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Volume No. 36

Royal Commission on Crime,

Thursday June 14/62.

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THURSDAY, JUNE 14TH, 1962

---Upon resuming at 10:24 a.m.

MR. WILSON: Mr. Commissioner, in view of the evidence given by Samuel Balsom in the last couple of days I recommend to you - - or I request that you place the matter in the hands of the Crown Attorney for the purpose of having charges of perjury laid against this witness.

THE COMMISSIONER: I must say that I have had that in mind, and I am not at all sure that the charges should be limited to simply perjury. There may be other charges justified by the evidence. The matter will be taken up with the Crown.

MR. WILSON: Of course, I wasn't thinking at the moment of the other charges which I think the Crown Attorney should consider when he is dealing with the perjury.

THE COMMISSIONER: The matter will be discussed with the Crown and without any delay.

MR. WILSON: Now, I will call Detective Sergeant Bryan.

JAMES FRANCIS BRYAN, sworn:

BY MR. WILSON:

Q. You are a Sergeant of Detectives of the St. Catharines Police Force?

A. Yes sir.

Q. And were you here yesterday when Michael McGroarty gave his evidence?

A. I wasn't, sir.

Q. You were not. But you have been informed, I take it, of the evidence he gave?

A I have, sir.

Q And in particular I want to recall to you the evidence he gave about a meeting at some hotel with yourself and Detective Richardson about some time last year?

A. Yes, sir.

Q Do you recall such a meeting?

A. Yes, sir.

Q. And can you tell us approximately when it took place and where it took place?

A. On or about the 1st of May, 1961, I first heard of McGroarty and his evidence. And I met him at his home at first that night. At that time he had spoken to Detective Richardson, and I went, and he talked

to me and gave me the story which he later gave here in Court.

Q. Well, now, just so we will identify the particular story we are dealing with, generally what was the story?

A The story was that he had been working for Sammy Balsom, keeping a book end for him; that Balsom had been collecting money from bookmakers in the Niagara area; that he had been paying off Constables Lemorie and Laurence of the Ontario Provincial Police; that on one occasion at least McGroarty had made the pay-off. That was the basis of the story.

Q. Yes. Now, what use did you make of that information that was given to you on that occasion?

A. The next day, which would be approximately May 2nd, 1961, I called Sergeant Anderson of the Anti-Gambling Squad and asked him to come over to St. Catharines as I had important information for him. At that time I gave him the information and note which Richardson and I had made. And he returned to Toronto with them.

He returned then to me a letter dated May 12th. And on about May 15th, 1961, I came over to Toronto and discussed the case with Chief Inspector Harold Graham. And since

that time I have been in touch with him and Sergeant Anderson almost constantly regarding the case.

Q. Now, had McCrearty been known to your Department prior to this meeting you speak of?

A. Yes, sir, he had been convicted of bookmaking, October 15, 1960.

Q. Why did your Force not take some action at first on this information?

A. At that time McCrearty was in fear of his life. He told me that he would talk to no one else but myself and Richardson. He told me if he were called to give evidence that he would not lie but would refuse to give evidence, and that he would rather go to jail for contempt of Court than to be put in a position where he had to give evidence against these gamblers.

Q When he gave his evidence yesterday he also stated that he had told you something about a member of your Force named Croquot -- if I pronounce it properly?

A Yes, sir.

Q. Now,mmm what was the nature of the information he gave you on that occasion in regard to P.C.Croquot, as he was then?

A. I first heard about it on or

about November 14, 1961 where he had spoken to Richardson. As a result of that I waited about a week to make some inquiries which proved fruitless. And on the 21st of November, I met with McCrearty and talked with him along with Richardson, and took along a picture of the St. Catharines Police Department, and asked him if he could pick out the man, he could describe that man. And he picked out a photograph -- he picked out of the photograph Arthur Croquot, who was an acting patrol sergeant, but who had been a constable.

He told me at that time that Croquot used to bet heavily on the horses, that his information was that Croquot was to give information regarding the St. Catharines Police Department's policy on bookmaking and on prospective raids to Sammy Balsom, also to Frank McIlwaine.

He told me that on one unsuccessful raid on himself, when he was taking bets in a room in back of a pool room in St. Catharines, that he had been tipped off by Croquot; that our present Deputy chief, then Inspector of Detectives, was going to make a raid, and he was able to get out of there before the police arrived.

The next day I took this up with the Chief Constable Anderson and Deputy Chief

Shennon. Deput Cief Shennon told me he had made a raid at that time and found some nickels on the floor. He wondered how McGroarty managed to get out before the police came. He suspected that someone might have given information to McGroarty but was unable to find out who it had been.

I wrote a report on the matter then. The Chief Constable was away. He returened on the 27th of November. I saw him at that time and gave him all the information which I had received from McGroarty. And as a result of that he asked me to investigate the matter, and suggested that perhaps I could set up a trap. Andin the event that this information was true, that I could let word leak to Sergeant Croquet that a certain place was going to be raided, to find out if they were tipped off. I told him at that time I did not think that would make the case. Theonly informant I had was McGroarty. If the information was passed on, and then Croquet was brought in, the only way that we would be able to have any sort of a case against him was to produce McGroarty who at that time was refusing to give any evidence. It would be his word against Croquet's. And that would put him out in the open and the gamblers would know he was the man who was giving us information

about their activities.

The next day the Chief appointed a morality squad, and since that time our security has been such there has been no question of any tip-offs.

I informed the two men of the morality squad, a Detective Fair and another constable, O'Donnell, of my suspicions, and asked them if they could find anything on the matter, and myself and Richardson tried to find out something.

We were unable to find any evidence that would substantiate this.

I noted Croquet on his days off would sometimes to to thre track. I was never able to place him in contact with any gamblers. I was never able to find out he had any unusual amounts of money. And I think from my investigation that if he had been doing this sort of thing before he would appear to have ceased after he became a patrol sergeant.

When the time came last --- around the 1st of March, when Croquet, who had been an acting patrol sergeant for a year, was due to be either confirmed as a patrol sergeant or reduced back to a constable, the Chief Constable called me in and said, "you have had suspicions. I have had very good reports from the sergeant and other people

in charge of this man. I am in a position now where I either must confirm his appointment to patrol sergeant or I must return him to the ranks. And if you are not in a position to produce any proof of your allegations, then I will have to confirm him, because on the unsupported word of a man who has been convicted of bookmaking, with no evidence behind it, in my opinion is not enough to ruin a police officer's career." I told him I had been unable to find any evidence which would substantiate the claim. Croquet was accordingly confirmed as a patrol sergeant.

A/2

Q. And I take it that the information that McGroarty gave you at the May, 1961 meeting was passed on to your superior officers as well as to Sergeant Anderson?

A. Yes, I gave it to the Chief and Deputy Chief. The next day, the following day I gave it to the Crown Attorney, and put it in a report in May, 1961. Since then they have had full knowledge of my actions in connection with the case.

Q. When did you speak to McGroarty about the evidence he was to give at this Commission hearing?

A On about May 29th, Chief

Inspector Graham called me, told he he would like to send someone over to talk to our informant. At that time Richardson and myself were the only persons who knew who he was. I told him I would call him back the next day.

I arranged the meeting with McGroarty that night. Richardson and I talked to him. I asked him if he would speak to anyone from the Ontario Provincial Police who was investigating on behalf of this Commission, and this man wished to speak to him. And he said he would do so.

On May 30th, Constable Moore came over, and Richardson and I met with Moore and McGroarty at Prudhomme's Motel. At that time McGroarty talked freely to Constable Moore, gave him all the facts in his possession, and agreed that he would be a witness if called before this Commission.

THE COMMISSIONER: What is the name of that motel?

A. Prudhomme's, my lord.

MR. WILSON: Q. Did you have any information at all about Toronto gamblers moving into the St. Catharines area in the last few years?

A. I took over in charge of the detective office on the 14th of January, 1961. And in March I heard that a local club, the

Parkdale Recreation Club - - -

THE COMMISSIONER: Excuse me for interrupting you. When did you take over, Sergeant?

A. January 14th, 1961, my lord.

THE COMMISSIONER: Thank you.

THE WITNESS: Sometime in March I received information that gamblers from out of town, possibly Toronto, hoped to come to the city and use this club for large scale gambling operations. This would be probably the second week in March. And I communicated this to the Deputy Chief and Chief Constable. I came over to Toronto and spoke to Chief Inspector Graham and to the Toronto Morality Department. I went up to the Provincial Secretary and got a copy of the charter of the club.

I went back and carried out some investigations. And I found one man who was supposed to be a director of the club had only signed his name as a favour to one of the men who were operating it. I found another man who was said to be the treasurer. I called him in. He could not produce any books. That was on the 5th of April, 1961.

And on April 6th, I called in one Thomas Holt, whom I knew had had this charter. I told him I had received this

information, that we were not going to have Toronto gamblers, or out of town gamblers, to use our city as a basis of operation. I told him he was to close the club as of midnight that night, and that he was not to re-open again. I told him if that charter turned up anywhere else I would be notifying both the O.P.P. Anti-Gambling Squad and the Toronto Morality Squad. If it turned up anywhere else they would certainly take action on it.

I returned - - or I went to the Metropolitan Toronto Police to ask them about dealing with the Provincial Secretary. And I found it was sometimes necessary to make a number of reports and to produce my evidence to get a hearing before you could close a club. When I told the Chief Constable that he said, "I don't care what you do, I want you to close that club before the out of town gamblers get a foothold here first." I told them to close and they closed that night.

MR. WILSON: Q. Did you identify any of the out of town gamblers who were involved in this operation?

A. I didn't have any names at that time, and I haven't been given any names since.

In 1954, I raided and closed a club operated by the same people. And at that

time one Moxie Baker, as he was known to us, had appeared in that club on two or three occasions. And as a result of hearing that we raided it and closed it. That would be in 1954, on about the 7th of April.

Q. This more recent operation, you haven't any knowledge of the principals from outside the area who were concerned with the operation?

A. No, I was not able to get any names.

MR. WILSON: That is all, thank you.

EXAMINED BY MR. MacKINNON:

Q. Is it Sergeant? I am afraid I didn't get your title?

A. Sergeant of Detectives, sir.

Q. You did state with regard to the Parkdale Club that you found one man who was nominally a director who had signed his name as a friend of the person operating it?

A. Yes.

Q. Who was the person operating it?

A. It was operated at that time,

to the best of my knowledge, by a man by the name of Albert Tobe.

Q. Albert Tobe. Has he any police record to your knowledge?

A. No, sir. He is presently employed by the Newman Structural Steel, and is working in Niagara Falls, New York, but is living in St. Catharines.

Q. Do you know what his association, if any, was with Sammy Balsom at that time?

A. I didn't know if he had any association with Balsom. I suppose he knew Balsom, but I have not been able to establish any connection between them, except the information received from McGroarty, who said on one occasion that two men from Toronto had bank rolled the game there and that Balsom had been there, had made some money, and that Tobe had received a percentage of the take.

Q. I see. And did you find out any other name or names of the people operating the club, apart from Albert Tobe?

A. The charter was in the possession of a man named Thomas Heit.

Q. And do you know whether there is xx any connection between Heit and Sammy Balsom?

A. No. Neit at one time had been a bookmaker, although he was never convicted. And in 1954, I was placed on the morality detail. And on the 1st of April, about a week later, he came in and said he couldn't do any business with me and the Deputy Chief, and was going out of the bookmaking business. And as far as I know, he did.

Q. What is his business?

THE COMMISSIONER: Just a moment. Was this '54, did you say?

A. That was '54.

Q. You know something of him since?

A. Since that time his wife runs a store, he has been working in a stock broker's office, and as far as I know, has not been engaged in other activities.

MR. MacKINNON: Q. Would you know in connection with this Parkdale Club a man called Papalia, was that name ever drawn to your attention?

A. No. I know John Papalia from Hamilton. I have never heard he was connected with the Parkdale Club.

Q. Then, you stated that you made a note of your interview or interviews with Mr. McGroarty. Have you got those notes

with you?

A I made the report to the Chief Constable. I have a copy.

Q. I wonder if I might have a look at it, please?

A I put it right - - - this is a report, sir, dated May 12, 1961, which I get from McGrearty.

THE COMMISSIONER: You didn't get the report from him.

A. This is a report of the information which I received from him.

MR. WILSON: Is that the November one?

A. There is one here November 22nd.

MR. MacKINNON: Q. I wonder if I might look at your May 12th one very quickly, sir.

A. Yes. That is the information you requested, about the information from McGrearty.

Q. This is a report you prepared yourself?

A Yes, I prepared that and submitted it to the Crown Attorney, also the Chief Constable and Deputy Chief.

Q. Have you a copy of this report before you?

A. That is the only copy I have. But I think I am fairly familiar with the circumstances.

Q. Well, now, let me read you the thirdparagraph in your letter -- and I have just looked at it.

A. Yes.

Q. Your report, I am sorry. May 12th, 1961:

"The head man in this area for "the gambling race is said to be "Frank Niccoleti. He has a "tobacco store one Ontario "Street in Niagara Falls, New "York. He is head of syndicate "operations from Niagara Falls, "New York, to Toronto. And it "is said that no large scale gaming "house or bookmaker can open without "his approval."

Now, can you elaborate on that?

A. That is information which I gotfrom McCrearky, and he gave it to me from his dealings with Nelson.

Q. Is it only McCrearty, because the immediately preceding paragraph reads:

"This information has been "secured from various gamblers and

"hangers-on on the fringes
"of the gambling racket."

Had you any other information about Frank Niccoletti?

A. Only my contacts with the Niagara Falls New York Police Department. They told me that he was a gambler and had connections on both sides of the border.

Q. Excuse me just a moment, Sergeant. Now, I see here in the middle of a very long paragraph:

"Balsom also paid off the
"Ontario Provincial Police,
"using their green panel truck
"in the parking lot of the
"Parkway Lanes on Ontario Street.
"This was on a Sunday afternoon
"in July, 1959, and was the
"first time that Balsom made a
"pay-off."

Now, did McGroarty tell you that?

A. Yes, sir.

Q. Yes. This is one thing he forgot to tell us yesterday, and I just wondered, this is a statement that McGroarty did make to you?

A. Yes, sir.

THE COMMISSIONER: Would you read that again. Don't take that down as he reads it.

---(Mr. MacKinnon reads)

MR. MacKINNON: Mr. Commissioner, that gives us sort of a starting date.

Q. Then, I will read ya this sentence, or couple of sentences:

"Either late in August or
"the first part of September,
"1960, Sam Balsom went away for
"a week to a motel on the
"outskirts of Toronto. This was
"said to be a very high class
"motel with T.V. in all the
"rooms. There was a dozen
"gamblers met there, four of them
"came from the United States.
"Balsom remarked about the big
"Cadillacs they drove. The
"purpose of this meeting was to
"cut up the Province in sections
"from Windsor to Sault Ste.Marie
"and to divide out the territory
"so that there would be no dispute
"about who controlled it.
"This was to be the beginning
"of a large scale syndicate gambling
"operation made possible by the
"protection received from the
"Ontario Provincial Police Anti-
"Gambling Squad."

Now, was this told to you by McCreary?

A. Yes, sir.

Q. And from whom did he get this information?

A. He told me he received it from Nelson after the meeting.

Q. After the meeting. And did you, or were you able to check on the authenticity of this information in any other way?

A. I passed it on to the Ontario Provincial Police.

(Page 7495 follows)

B/1/FAL

MR. MacKINNON: Q. For them to check up. And you got this information from, oh, eight months after this meeting? The meeting, according to the information you had, was August or first part of September, 1960. And you told the Ontario Provincial Police about this particular bit of information shortly after you received it at the beginning of May, 1961?

A. The day after.

Q. The day after. Did Mr. McGroarty tell you as to his information, as to the names of the people who were met there, apart from Sammy Balsom?

A. No. No, he did not.

Q. Then, may I read you this, because I think this may require elaboration and you can explain the names to me. The last paragraph on page 2:

" About two weeks after "Wright's arrest Ken Lamorie who "had resigned from the Anti-Gambling "Squad and the Provincial Police "came to Balsom's house and asked "for money. He said he needed money "immediately because he would have "to wait two months for his pension "cheque. At this time, BALSOM had "his bag packed ready to leave the "moment he found out that any one

"knew of his connection with the "Squad. He gave Ken Lamorie money "several times in a period of "about one month. Lamorie "telephoned also from his own home "once to Balsom. BALSON recovered "the money he had given to Lamorie "from Frank in Niagara Falls, New "York."

If I may stop there. Who is Frank, Frank Niccoletti?

A. Yes, sir.

Q. Were you able to make any check on this through the Niagara Falls Police Force in New York?

A. No.

Q. Or did you try?

A. I didn't get in touch with them. As I say, I gave it to the Provincial Police, all the information.

Q. All right.

"Although BALSON was angry at "Lamorie, he was afraid to say "anything because Lamorie is "said to have some evidence, "either handwriting or otherwise "which could put BALSON in gaol."

This is what McGroarty told you Balsom had told him. Is that correct?

A. Yes, sir.

Q. Did McGroarty give you any further elaboration of what the evidence could be?

A. He didn't know. At least, he told me he didn't know.

Q. I notice there are a number of names here, which I shall not read out, which will certainly be interesting under question 3 of this Commission, Mr. Commissioner. However, you do mention in the fourth paragraph from the top of the page on page 3:

"Vincent HEARN, a small-
"time local bookmaker who was
"recently raided and forced to
"close his place, . . ."

B/2 And, then, you go on to state he has another proposition. What do you know about Vincent Hearn?

A. He had a previous criminal record, I believe for breaking and entering, quite a long time ago. He runs a window-cleaning out fit called the Sparkle Cleaners. He decided he would like to get into the book-making business. He got in on a small scale. He had a man taking bets for him. We raided the place. We didn't have enough evidence to convict. The man was a heavy drinker, started drinking, got pneumonia and died. And, as far as I know, Hearn has not re-opened.

Q. Mr. Groarty yesterday described

him as a sort of enforcer. Does he have a reputation for strong-arm methods?

A. That was news to me. I know him, I know he has a criminal record, I know he runs this cleaning business; I had never heard of him strong-arming anybody.

Q. Is he a large man?

A. Yes.

Q. Is he a young man?

A. Oh, he would probably be in his late 30's, by now.

Q. Mr. Balsom described him as a boy.

A. He is not a boy.

Q. You say this concludes the information about syndicate gambling operations and their connections, etc., in New York State. "It is believed this information is valid." I take it this was your opinion of the information you had, not only by McGroarty but all the other sources, that the information you received on these matters was valid?

A. I thought it was.

Q. Yes.

I wonder if this could be filed as the next exhibit?

THE COMMISSIONER: Q. I suppose you want a copy for your own files?

A. I would like one, my lord.

Q. We will have a copy run off and

see you get the original back.

A. Thank you, sir.

THE COMMISSIONER: This will be Exhibit 195.

---EXHIBIT NO. 195: Report of Detective Sergeant J.F. Bryan dated 12th May, 1961.

MR. MacKINNON: Q. Looking at your report, now, of November 22, 1961, I see that by paragraph 3 on the first page - apparently McGroarty is the informant to whom you referred in this report of November the 22nd?

A. Yes, sir.

Q. You do not name him but he is the individual concerned. I take it you knew -- at least, as noted in paragraph 3 of this report --

THE COMMISSIONER: What is the date of that?

MR. MacKINNON: November the 22nd, 1961, sir.

"On several occasions Crocock
"came to see Balsom and on at
"least half a dozen times the
"informant . . ."

Q. That would be McGroarty?

A. Yes.

Q. ". . . saw Crocock being
"handed a white envelope by Balsom."

A. That is what he told me.

Q. He told you that. You do mention an incident, I was reading this through very quickly, in the first week in November, 1961, which was reported to you by McGroarty, where there was a conference being held between Bernard Murphy, Frank McIlwain and Sammy Balson. We know who Sammy Balson and Frank McIlwain are. Who is Bernard Murphy?

A. Bernard Murphy is another man who has been convicted of bookmaking in St.Catharines.

Q. You go on to state:

"The conference was to attempt
"to devise some way in which I
"could be set up or framed so
"that I would be out of the way
"insofar as their gambling activities."

The "I" is yourself, witness?

A. Yes.

Q. And this McGroarty reported to you?

A. Yes. He was present.

Q. He was present at the time. Then, apparently:

". . . McIlwain stated that he
"was closing his book as of New
"Year's and expected it to be taken
"over by gamblers from Buffalo."

Do you know whether McIlwain closed his book?

A. As far as I know he closed it but

as far as I know nobody from out of town has come in.

Q. To the best of your knowledge?

A. To the best of my knowledge.

Q. And, apparently, this was also reported to you:

"At that time McIlwain suggested "that since I did not gamble or "run around with women, I might "be difficult to deal with and "there was no use offering me money."

They were really stymied, weren't they?

A. I think they were.

Q. It was either gambling, women or money. You stated in paragraph 3 that when you were successful in getting the location and telephone number of McIlwain's back end in Thorold you passed that information on to the O.P.P. anti-gambling squad. Has that back end been raided as yet?

A. No. They set up observations. About the second day they were there the back end moved. They started the business of moving every two weeks.

Q. I see. Now, you mention in the last page of your report of November 22, in the second paragraph on that page, the last sentence of that paragraph:

"It is understood that interests "from Buffalo are interested in

"acquiring this Club and getting
"a foothold in gambling in St.Catharines,
"so every effort will be made to
"put it out of business, one way
"or the other."

A. That is right.

Q. That was not the Parkdale Recreation Club you were talking about?

A. No, that was the Lincoln Sportsmen's Club at 9 James Street, which is now closed.

Q. Was it closed as a result of your activities?

A. No.

Q. Was it the same way as the other?

A. No. On that one, when I got a copy of the charter, I found three of the people on the board of directors knew nothing about the club, hadn't been informed. I made reports to the Provincial Secretary. They were in arrears of their dues. And the charter was cancelled.

Q. Were you able to find out who actually was operating this club?

A. There was a fellow named Joe Zaharen who had moved in there.

Q. From where?

A. He lived in St.Catharines and he brought in a fellow whose first name was Ronny, Ronny Massotti from Niagara Falls and they hoped to start a gambling business there. I

got hold of the fellow who had gotten the charter and suggested he surrender it and made the report to the Provincial Secretary. On the day I saw him they closed and the Provincial Secretary, within a period of perhaps a month altogether, cancelled the charter.

Exam E/3

Q. The person who had the charter was quite prepared to surrender it. I take it he was no part of this gambling operation?

A. No, he was no part. I think these fellows bought the furniture, and so forth, and he thought he could hand them over the charter, and when he found out he could not - he was a pretty respectable citizen - he got frightened of the whole business and got out.

MR. MacKINNON: I wonder if that could be the next exhibit, Mr. Commissioner?

THE COMMISSIONER: Yes, Exhibit 196.

---EXHIBIT NO. 196: Report dated 22nd November, 1961, of Detective Sergeant J.F. Bryan.

MR. MacKINNON: Q. Another question with regard to this Parkdale Recreation Club: Were you ever advised that Albert Iannuzzelli of Niagara Falls, Ontario, had any connection with this club?

A. No. I have heard the name but I have no information that he had any connection with that club.

Q. You apparently interviewed Mr. Tobe about the Parkdale Recreation Club, did you not?

A. No, I didn't.

Q. You did not. Whom did you tell it would have to be closed, "tonight, and I don't want to see it open tomorrow"?

A. Mr. Heit.

Q. Oh, Mr. Heit. Did you have any discussion with Mr. Heit who might be involved in this club?

A. No, I just told him I heard gamblers were going to go in there and start a big game and I told him we weren't going to allow it and it was a very short interview.

Q. Did you ask Mr. Heit whether he knew Peeley or McDermott?

A. No, I did not.

Q. Thank you very much.

MR. SHINE: I have no questions.

MR. ROSE: I have no questions.

MR. WILSON: I would like to see the first report, Mr.Commissioner.

EXAMINATION BY MR. WILSON:

Q. Now, I am interested in this reference to Frank in the first report and Frank Niccoleti. I have never known him by that name. I have known him as Benny Niccoleti. I do know of a Frank Magliardotti.

A. The name I got, and I can't vouch whether it is correct or not, is Niccoleti. I know he had a tobacco store and I called up a fellow I knew in Niagara Falls, New York, a policeman, and I said who is a fellow called Frank on this street, and he gave me the last name Niccoleti.

Q. You identified the man with relation to his business in Niagara Falls, New York?

A. Yes.

Q. But it is possible, I take it, you may be in error about his name?

A. Yes, sir.

Q. Thank you, that is all.

---The witness withdraws.

MR. WILSON: Would you call Mr. Peeley, Mr. Geoffrey Peeley.

GEOFFREY PEELEY, sworn

EXAMINATION BY MR. WILSON:

Q. Where do you reside?

A. Peterborough, Ontario.

Q. And what is your address there?

A. 757 Third Avenue.

Q. And what is your occupation?

A. Service station operator.

Q. And how long have you been engaged in that particular operation?

A. For three and a half years.

Q. I understand you are an alderman in the City of Peterborough?

A. Yes, I am.

Q. How long have you been an alderman in the City of Peterbmough?

A. Since last December.

Q. Since last December?

A. Yes.

Q. And, then, you were a bootlegger in Peterborough for a great many years?

A. Yes, I was.

Q. What period did that cover?

A. From back in the 30's up until about '55, I think. '55, '56.

THE COMMISSIONER: Q. Speak up, please. From the 1930's until when?

A. Until late -- until '56, I think.

Q. I am sorry, there was a scraping of chairs and I could not hear the witness.

A. Until 1956.

Q. Until late in 1956, you said?

A. Yes.

MR. WILSON: Q. There was an investigation into the Police Force in the City of Peterborough some years ago by Mr. Justice MacKay?

A. Yes, there was.

Q. You were a witness in that proceeding?

A. Yes, I was.

Q. What particular aspect of the inquiry were you called to give evidence on?

A. Well, I was called to testify against the Peterborough Police Department.

Q. Against the --

A. Police Department in Peterborough.

Q. The Police Department?

A. Hm-hmm.

Q. What were the charges you were making against them?

A. I was making no charges against them.

Q. You were called to support charges being made against them?

A. That is right.

Q. Mr. Justice F.G. MacKay gave a report on September 25, 1957, in the matter --

THE COMMISSIONER: September what?

MR. WILSON: September the 25th, 1957.

At page 47, he has this to say about this witness:

" Geoffrey Feeley gave evidence "that in the presence of Mrs. Graham "and Sergeant Palmateer, Stanley "McBride had offered him $1,000 to "tell what he knew about the Peter- "borough police. I did not "believe this statement at the time "he made it, and it was subsequently "denied by McBride, Mrs. Graham "and Sergeant Palmateer. Feeley "appeared to me to be a vain, "egotistical man completely slacking "in any principles. He had on "occasion boasted to Inspector "Stringer that he had the protection "of Clarke and had a hold over him "and other members of the Peterborough "Police Force. He admitted that "he had in the extortion proceedings "committed perjury in denying that "he had sold beer to the men involved.

"He seemed to feel badly treated
"because his lucrative career in
"bottlegging had come to an end.
"He might well be described as a
"completely untrustworthy witness
"and an undesirable type of citizen."
That was --

THE COMMISSIONER: Q. Is that you he was talking about?

A. That is who he was talking about.

MR. WILSON: Q. That is you all right. You indicated you wanted to give some evidence in this inquiry?

A. Well, when I went to Mr. Stringer --

MR. ROSE: I am sorry.

THE COMMISSIONER: I beg your pardon?

MR. ROSE: It is very difficult to hear this witness, Mr. Commissioner.

THE COMMISSIONER: Q. Can you raise your voice, Peeley?

A. I denied those statements that Mr. Stringer said. In fact, I asked for a lie detector test to go to the court.

MR. WILSON: Q. We won't go into that. Mr. Justice MacKay has given his appraisal of your evidence and his reaction to it at that time. You have indicated you wanted to give some evidence in this inquiry. How did that come about and who did you give it to?

A. I went to -- to the Parliament

Buildings in Toronto and I talked to Dr. Upper -- Not Dr. Upper, but his assistant.

Q. Dr. Upper's assistant?

A. Yes.

Q. Would that be Mr. Greer sitting over here at this table?

A. Yes.

THE COMMISSIONER: Who is Dr. Upper?

MR. WILSON: Q. Who is Dr. Upper, the Commissioner wants to know.

A. I don't know. He is the man I was supposed to get in touch with.

Q. He is executive assistant to Mr. J. J. Wintermeyer. Who went with you to the Parliament Buildings to see Dr. Upper?

A. Mr. Clarke.

Q. Who is Mr. Clarke?

A. He was the Deputy Chief who was in charge in Peterborough at the time.

Q. What happened to him as a result of the inquiry? Did he --

A. The inquiry came to -- They couldn't find Mr. Clarke guilty of what they accused him of, which I said was a frame-up, and he settled on his own terms.

THE COMMISSIONER: Q. He what?

A. Mr. Clarke settled on his own terms. He left office under his own conditions.

MR. WILSON: Q. He retired from the Force?

A. He retired.

Q. What motivated you in coming with Mr. Clarke to see Dr. Upper?

A. Because I felt there was a great injustice had been done.

Q. To whom?

A. To Mr. Clarke.

Q. This was because you think there was some injustice done to Mr. Clarke by Mr. Justice MacKay's report?

A. By Mr. Stringer. Mr. Stringer --

Q. Just tell us how that comes about? Did Mr. -- Inspector Stringer give evidence at the inquiry?

A. Inspector Stringer didn't only give evidence at the inquiry, but he engendered the whole deal.

Q. This all arises out of what happened at the Peterborough police inquiry?

A. That is right.

Q. And that was all gone into and a report was made by Mr. Justice MacKay, who was the Commissioner?

A. That is right.

(Page 7515 follows)

MR. WILSON: Q. Yes. So . . .

THE COMMISSIONER: Q. You still thought an injustice was done to Clarke?

A. That is right.

MR. WILSON: Q. Are you suggesting that the Commission here review the whole thing, ~~if~~ that we review the whole thing here, and come to some further conclusion on Mr. Justice McKay's report?

A. Well, sir . . . .

THE COMMISSIONER: If he is he is sadly mistaken.

THE WITNESS: I would not be afraid to testify right in this courtroom.

THE COMMISSIONER: Is your purpose to have me review the whole matter that Mr. Justice McKay investigated?

A. No, I went to this gentleman here (indicating) and the Attorney General's Department, and I spoke to them, and I told them my story.

MR. WILSON: Well, Mr. MacKinnon asked that you be subpoenaed.

MR. MacKINNON: I gave Mr. Wilson, about six weeks ago, a seven page summary of what he said, for him to read.

MR. WILSON: Well, he asked for him to be brought here and here he is.

MR. MacKINNON: Well, let me examine him, and you will see why.

MR. WILSON: Mr. Commissioner, we are not going into anything dealt with by the inquiries conducted by Mr. Justice McKay. That is certainly not my purpose.

THE COMMISSIONER: I am not going to review a report of Mr. Justice McKay, no.

MR. WILSON: Q. Well, there is one thing . . .

A. Your lordship, it is just that I am definite, positive, sure, that Inspector Stringer in Peterborough, through the Mayor, John Dewart, and Alderman Stanley McBride, and Alderman Graham, committed perjury, that they said they ~~x~~ refused me a bribe.

THE COMMISSIONER: That was dealt with by Mr. Justice McKay, all that?

A. They went over that . . . .

Q. That is what I am calling it, if I am wrong, you correct me . . . .

A. I didn't think it was a very good inquiry.

Q. That was your opinion?

A. Yes, at the tax payers' cost of $15,000.

MR. WILSON: Q. You did not think much of the low opinion that the Judge had of you?

A. Well, he must have been wrong, as I was voted in as an Alderman last year at Peterborough, and forty-five thousand people in Peterborough can not be wrong.

THE COMMISSIONER: And that has troubled you ever since?

A. Yes.

Q. And motivated you to go to Dr. Upper's office?

A. Yes.

Q. And that prompted you to go to Dr. Upper's office, because you were unhappy about what Mr. Justice McKay said about you?

A. I am not here on my behalf, at all. I feel what I got . . . .

Q. You were unhappy at the conclusion that he reached as a result of his investigation?

A. No, sir. I said before, I deserved anything I got there, but I think that Deputy Chief Clarke received an injustice.

MR. WILSON: Q. There is one matter which arises from the information that my friend gave me, and I would like to inquire into that, and that is your conviction as a bootlegger on June 7, 1954. Now, what was the basis of that charge?

A. The basis was bootlegging.

Q. Where was the bootlegging?

What location?

A. That occurred, it happened at . . . .

THE COMMISSIONER: What is the location, please?

A. It would be in Peterborough. Lansdowne Street, Peterborough. I might not be able to give you the exact details - I can give the best I can think of.

A taxi driver had picked up two passengers at the Empress Hotel, a man and a woman, and he phoned me, and he asked for a bottle.

I met him on Lansdowne Street, at a gas station, approximately, about two o'clock in the morning. When I arrived there, the taxi driver paid me six dollars for the bottle, and I went back to the car, and a girl jumped out of the taxi and came to my car, and she was crying and she said, "Please call the police. The Empress Hotel was robbed."

THE COMMISSIONER: Q. The Empress Hotel had been robbed?

A The Empress Hotel had just been robbed and, "we are heading for the border."

I didn't kmx know what to do, whether to phone the police, or not. And I said, well, if he is -- if he has robbed the hotel, maybe he will get rid of the taxi driver, and

I phoned in to Clarke.

MR. WILSON: Q. Clarke was the Deputy Chief of the Police at that time?

A. Yes, he was the Deputy Chief of Police at that time. They apprehended the car in Oshawa and they got the money back, and I was charged with bootlegging. For reporting a crime I was charged with bootlegging, I was reported for that.

THE COMMISSIONER: You were charged for bootlegging for selling a bottle of whiskey?

A. That is right.

MR. WILSON: Q. Having given the information to the police about the car in which the robber and his girl friend travelled, and that they then apprehended the fugitives, or robbers, and then they charged him with robbery and they also charged you with bootlegging because they found the bottle in the car?

A. That is right.

Q. Now, you were found guilty and you were sentenced to two months in jail?

A. That is right.

Q. And you appealed that decision?

A. Yes, sir.

Q. And your appeal was dismissed?

A. Yes, that is right.

Q. Now, up to that time, had you been in the habit of giving tips to the police from time to time over the years?

A. Our by-laws for taxi . . . .

THE COMMISSIONER: Q. Can you answer the question?

A. Yes.

MR. WILSON: Q. You have?

A. Yes.

Q. Over what period?

A. A period of five to ten years.

THE COMMISSIONER: Will you turn your head this way. I cannot hear you. It is either that or you do not openyour mouth.

A. Shall I face this way, here?

Q. That is much better. Speak into the microphone. "I have been inthe habit of informing the police"?

A. Yes, any crimes that I knew of that were going on.

Q Informing about what?

A. Any crimes going on. You do not have many reports going in. Any time I knew that a place was broken in or . . . .

Q. We will have to compromise here, so that I can hear and the reporter can hear, and also counsel.

A. If I have a drink of water.

My mouth is dry.

Q. Were you known as an informer?

A. That is what they classified me as in the inquiry.

Q Do you classify yourself that way?

A. No, I never.

Q. But you were giving information to the Police?

A. That is right.

Q. On what they could not otherwise get, or they would not otherwise get this information?

A. Well, let's face it, a policeman is just another man. He is not a superman, and he has to get information some place.

Q. Quite so. I am not criticising you, I just want to know what your position was.

MR. WILSON: Q. You said there was some by-law, you said something about a by-law and taxi cabs, that you felt it encumbent on you to give this information?

A. The by-law reads that any taxi driver should report anything he sees going on.

THE COMMISSIONER: Q. Were you a taxi driver?

A. Yes, I was.

Q. Now, I understand.

MR. WILSON: Q. In this long career of bootlegging wereyou ever convicted before, before June of 1954?

A. I have, I have three convictions.

Q. You have three convictions?

A. I believe so.

Q. And, after the unsuccessful appeal of June 7th, 1954, what steps did you take to try to get your freedom?

A. I went to Inspector Stringer, and I explained the case to him.

Q. Why did you go to him rather than to Clarke?

A. Well, I had lost my appeal, so why should I go to Clarke. He was only the Deputy Chief. I went to Stringer.

Q. You went to Stringer, and Stringer was the District Inspector of District Number 8?

A. That is right. I told Stringer what had happened, and he felt there had been an injustice done, and he told me to come to Toronto, to the Attorney General's Department.

THE COMMISSIONER: Q. When was that? This is after your appeal was dismissed?

A. Yes.

Q. Were you not in jail?

A. No, I wasn't.

Q. Why?

A Like, I had three days between the time the appeal was dismissed until you have to give yourself up. I believe that is it.

Q. No, no, you surrender yourself. You were out on bail, pending appeal?

A. Yes, I was on p bail, yes.

MR. WILSON: Q. Now, what did Inspector Stringer . . . .

THE COMMISSIONER: I know in our court they have to surrender into custody before the appeal is heard.

MR. WILSON: I think the proceeding is different . . . . .

MR. COMMON: A fifteen day automatic stay, I think, Mr. Commissioner. This is an appeal heard by a County Judge.

THE COMMISSIONER: Under some special provision under the Liquor Control Act?

MR. MacKINNON: Also an application for leave to appeal, which Mr. Justice Aylesworth turned down, so the time might have run out, by then.

THE COMMISSIONER: Q. In any event, you were not in custody?

A. No, I was not.

Q. And when you went to see Stringer you were not in custody?

A. That is right.

Q What did he say?

A. He told me to go to the Attorney General's Department the next day, to be there about two o'clock, and to see Mr. Common.

MR. WILSON: Q. Did you go along with anybody, was anybody with you?

A I went alone.

Q. Yes. Who were present at this meeting?

A. I don't know. Three gentlemen. There were three gentlemen there, I just know Mr. Common.

THE COMMISSIONER: Q. Three others?

A. Two others.

MR. WILSON: Q. And when you say Mr. Common, do you know him to see him?

A. I don't -- if I saw him here I would know him. I don't know him personally.

Q. In other words, if you saw him in the courtroom you would know him. You do not see him today?

A. I imagine that I would know him. I don't know that I would not -- it is a long time ago.

Q. Are you not sure whether it was Mr. Common or Mr. Bowman that you talked to?

A. Bowman. Sure, right.

Q. I will introduce you to Mr. Common. He is the gentleman here, at the back of this desk. You were not talking about him?

A. No, that is not him.

Q You were just using his name?

A. Yes, sir.

Q. We now know that you were talking to Mr. Bowman. Now, what did, did Stringer send you direct to the Attorney General's Department, or did he send you to somebody at the headquarters of the O.P.P.?

A That is right.

THE COMMISSIONER: which is it?

MR. WILSON: Q. We will gradually get it. who did you meet there?

THE COMMISSIONER: Q. Stringer said that you should go where?

A. This man is right. I went to go to the O.P.P.

Q. What did Stringer tell you?

A. He said that I must go to the O.P.P., and then to Mr. Common.

Q. Mr. Common?

A. Mr Bowman.

Q. He told you to go to the O.P.P. office in Toronto?

A. That is right.

Q. And did you?

A Yes, sir, I did.

c/3

Q. And who did you see?

A Mr.O'Shaughnessy.

MR. WILSON: Q. Staff Sergeant O'Shaughnessy. You are right on that one. What discussion did you have?

THE COMMISSIONER: Well, now, Shaughnessy -- who told you to go to the Atterney General's Department?

A I believe he went with me across the road. I believe he went with me across the road.

MR. WILSON: Q. Now, O'Shaughnessy was connected with the Liquor Branch of the O.P.P., wasn't he?

A. Yes.

Q. And that is why Stringer sent you to him?

A. That is right.

Q. And did O'Shaughnessy arrange an appointment with Mr. Beaman?

A. That is right.

Q. For the two of you?

A Yes, that is right, he did.

Q. And before you went to see

Mr. Bowman, did you give your whole story to Mr. Shaughnessy?

A. I did.

Q. And did he check it in any way?

A I think he had talked over the phone to Mr. Stringer.

Q. You think he had talked over the phone to Mr. Stringer. Did he talk to Mr. Clarke?

A. No, I don't think so.

Q. Do you know he had talked, in your presence, to Stringer?

A. No, not in my presence.

Q. Not inyour presence. Did you . . . . .

THE COMMISSIONER: Q. But while you were there?

A. Not while I was there.

Q. Well, when?

A. I think he phoned him from Peterborough to make arrangements for me to go up there.

Q. I see. Stringer personally spoke to Shaughnessy before you arrived at Shaughnessy's?

MR. MacKINNON: Yes, I think it is just Shaughnessy. Mr. Wilson has put in the "O".

MR. WILSON: Some Irish friend of mine, put in the "O".

Q. When you got to this meeting, what did you have to say about your position to Mr. Bowman?

A. Mr. Shaughnessy explained the case to him, and I think he asked me questions about it, but - about selling the bottle, and reporting it to the police, and then he told me to go home, and he said that the wheels of justice would be slow in turning, but he said he would have me - he would do something about it.

Q. He would?

A. Do something about it.

Q. Do something about it. In other words he told you that at the time of the meeting you had?

A. Yes.

THE COMMISSIONER: Q. This is Bowman talking?

A Yes.

MR. WILSON: Q. Yes. How long did that meeting last you had with Mr. Bowman?

A. It was not very long.

Q. And, at the conclusion, he said he would do something about it?

A Yes.

Q. And to go back home?

A. That is right.

Q. And you went back home, and what happened?

A. I went back home. I went back to see Mr. Stringer, and I told him what had happened, and I said if the wheels of justice are slowly turning that I will probably have my two months up before they fully turn. Mr. Stringer said, "Well, if you want to wait a few days you can come up to my house and stay in the attic. That is all finished."

THE COMMISSIONER: Q. Why would you go to his house?

A. Well, we figured that the time limit I had -- only two or three days to go . . . . .

Q. Hide in his house, you mean?

A. Yes.

Q. And did you?

A No, I never.

Q. Well , what happened then?

A. I believe that, as clear as I can think of that, that I made a second trip back, a day after. I think my last day was up, and I made another trip back to Mr. Bowman and he told me that things were - the wheels were grinding away, and to go back to Peterborough, and to get in touch with my lawyer, and he would get into contact with him, Mr.Currelly,

who is now a judge.

Q. He told you to get in touch with your lawyer. What name was that?

A. Mr. Currelly, who is now a judge.

MR. WILSON: Q. That is Currelly, C-u-r-r-e-l-l-y. He was recently appointed County Court Judge, in the last year.

THE COMMISSIONER: Q. And did you?

A Yes, I did.

Q. All right, go on from there.

A. Well, Mr. Currelly told me to give myself - he phoned the Chief of Police in Peterborough, I believe on the Friday, and he phoned the Chief up at Peterborough, the chief there, and he told him that I would surrender myself on Monday morning at nine o'clock in front of the County Gaol, and I should take two hundred dollars with me, which I did. On Monday morning I was there, and I was turned in at nine o'clock.

Q. Had you been fined two hundred dollars?

A. I don't know what it was, he did not tell me, but after I was in for one and one half hours, I believe the Governor of the jail came down, and he said, "I have a telegram from Toronto and you are released on a hundred dollar fine".

A. Just tell me, you phoned the Chief of Police and said you would be surrendering yourself on Monday morning?

A. Yes, at nine o'clock on Monday morning.

Q. Where at, his office?

A. No, at the County Gaol.

Q Jail, you mean?

A. Yes.

Q. And to be sure to have two hundred dollars with you?

A. That is right.

Q. Yes. All right. Did you?

A Yes, I did.

Q. And you surrendered yourself, and were taken into custody?

A. That is right, yes.

Q. Now, go on from there?

A. I was in for about one or one and a half hours and, I believe, I cannot say for sure, whether it was the Governer of the Jail, who came down and said, "I received a telegram from Toronto, and you are to be released on a hundred dollar fine".

C/A

MR. WILSON: Q. Can you help us to fix the time. You said there was a dismissal of the appeal. How long was it after that that you went to see Mr. Bowman for the first time?

A. I cannot tell you that.

Q A matter of a day?

A. A matter of - no - a matter of a couple of days, anyway.

Q. A couple of days?

A. I cannot, I cannot pinpoint the time.

Q No. How long was there between the first visit to Mr. Bowman's office and the second visit?

A. Just about two days.

Q. Just about two days. How long after that did you hear from Mr. Currelly?

A. It was on a Friday.

Q And how many days after your second visit to Bowman?

A. That is two days, I imagine.

Q. And you gave yourself up in two days, two days after that?

A. That is right.

Q. So, from the time of the dismissal of the appeal to the time you gave yourself up at the jail, how many days elapsed?

A. It was over a good week.

Q. Over a good week?

A I would say it was.

Q. Do you say there was anything improper about what Mr. Bowman did in recommending a remission ofyour sentence?

A. I certainly don't.

Q. You certainly don't?

A. No, I don't.

Q You are not making any suggestion that there was anything improper on the part of the Attorney General's Department so far as your remission is concerned?

A. No, I am pretty sure, in the Criminal Code, when a person is involved, like -- by reporting a major crime, that person does receive some assistance.

THE COMMISSIONER: He is not complaining.

MR. WILSON: Oh, no. I wonder - he is here, and I want to be sure that he has not any complaint.

A. I am sure I didn't have anything improper there.

Q. Did you use any influence to any other person to bring about this result?

A. No.

Q. And have you any knowledge of any improper act on the part of any of the legal personnel inthe Attorney General's Department?

A. No, they were very courteous.

Q. This, Mr. Commissioner, was all canvassed very thoroughly in the debates of the Legislature on March the 30th, 1955,

and it appears at pages 1401 .....

THE COMMISSIONER: March what?

MR. WILSON: March the 30th, 1955, pages 1401 to 1409. I would like to file that, Mr. Commissioner. Exhibit 197. And I would like to refer to something in it.

---EXHIBIT NO.197: Debate of the Legislature, dated March 30th, 1955.

MR. WILSON: Q. I take it that the Peterborough Examiner did not like you getting a remission?

A. No, they never.

Q. And apart from sending you to Mr. Shaughnessy, did Mr. - or did Inspector . . .

THE COMMISSIONER: Stringer.

MR. WILSON: Inspector Stringer play any part in your release, or remission of your original sentence?

A. No, just that - in fact, I didn't see him any more until after it was over.

Q. Yes. Have you any other evidence to offer to this Commission that appears in the terms of reference?

A. No.

Q. That is all, thank you.

THE COMMISSIONER: Ten minute recess.

----Recess.

(Page 7535 follows)

D/1/RC

---On resuming at 12:00 p.m.(noon)

---The witness resumed the stand.

EXAMINED BY MR. MacKINNON:

Q. Witness, what I am going to read to you is from this exhibit which has just been last filed, Exhibit 197, which quotes a report in the Peterborough Examiner, and I am going to ask you about the facts which are recited therein, your knowledge of them, and this, apparently, is a headline and story from the Peterborough Examiner of March 11th, 1955. On the front page, the heading is:

"CITY BOOTLEGGER BEATS JAIL TERM
"RAP."

And, I am reading from the article:

" How did Geoffrey (Gyp) Feeley
"beat his two-month jail sentence
"for bootlegging after his appeals
"against it had been rejected?
" That is the question being
"asked in Peterborough restaurants,
"hotels, city buses, and in factories,
"as the taxicab operator and reputed
"stool pigeon of Western Avenue
"continues to be seen about town.
" Feeley's story is a complicated
"one. While his appeal against a
"two-month sentence imposed by

"Magistrate W.R. Philp for boot-
"legging April 15, last year, was
"still pending, he was arrested
"and subsequently convicted on a
"charge of selling beer illegally
"August 15th.

" Port Hope Magistrate R.B.
"Baxter then adjourned sentence
"until the appeal in the first case
"had been heard by the County Court.

" The County Court Judge,
"M.A. Miller of Cobourg, rejected
"the appeal and his second, higher
"level application to appeal in the
"Ontario Court of Appeal was turned
"down February 17 by Mr. Justice
"Aylesworth although the application
"was argued by one of Canada's
"cleverest criminal lawyers, G. Arthur
"Martin, Q.C. . . .

" . . . It was then that the
"Crown Attorney John A. Bradshaw
"received a request from the
"Attorney-General's office in Toronto
"asking for a recommendation for
"clemency for Fooley, then due to
"start his two-month sentence on
"the first rap.

" 'Both Magistrate Philp and
"I sent stiff letters refusing such

"a recommendation", Mr. Bradshaw
"said today. . . ."
" 'The next thing we knew, Feeley's
"sentence was remitted to a $100
"fine. This has happened right over
"our heads.' "
This is Bradshaw speaking. And, then, the article goes on:
" The question people are asking
"is, 'Who pulled the strings with
"the Attorney-General's office?'.
" The Examiner - " -
that is the Peterborough Examiner -
" . . . has been advised by
"counsel that 'to change a jail
"sentence to a fine is seldom heard
"of, particularly when a judge has
"rejected an appeal.'
" The Attorney-General's office gives
"is no reason in this case why they
"ordered Feeley's release on payment
"of $200, but say they have the right
"to do so, and that 'there is precedent'.
" A number of eyebrows have
"already shot to a lofty elevation
"about this matter, and the Examiner
"has been faced with dozens of
"inquiries.
" Now, people are wondering
"what will happen if Feeley fails in

"his appeal against the six months'
"sentence imposed by Magistrate
"Baxter Wednesday on the second
"conviction.
" Feeley, a reliable source
"reveals, has boasted he was got
"off by someone in Peterborough,
"and that if he fails in the appeal
"against the six-months' sentence
"he will beat that jail sentence too."

Now, first of all, you were convicted by Magistrate ---

MR. WILSON: Pardon me, Mr. MacKinnon. Mr. Commissioner, there is one question I should have asked this witness, if I may.

Q. Are you in any way related to Vincent Feeley, another witness we have had here recently?

A. I don't even know him.

Q. Thank you.

MR. MacKINNON: Q. Were you convicted, first of all, by Magistrate W.R. Philp?

A. Yes, I was.

THE COMMISSIONER: That is the one that went to appeal?

MR. MacKINNON: Yes, that is the one that went to appeal.

Q. Then, on appeal, the conviction was confirmed by County Court Judge H.A. Miller of Cobourg; is that correct?

A. Confirmed, no. By M.A. Miller?

Q. Rejected?

A. Yes.

Q. And, then, Mr. G.A. Martin acted for you in this matter in the Court of Appeal?

A. Yes.

Q. As to what exactly happened I am not too sure, but in any event, you lost that?

A. Yes.

Q. Was it after that third stage ---

THE COMMISSIONER: I don't believe I got all that; you have been referring to a number of Magistrates and soforth .

Q. You were convicted by Magistrate Philp?

MR. MacKINNON: Convicted by Magistrate Philp, yes.

THE COMMISSIONER: And there was an appeal to County Judge whom?

MR. MacKINNON: M.A. Mxx Miller, of Cobourg.

THE COMMISSIONER: That was dismissed and then I suppose, an application for leave ---

MR. MacKINNON: I would think probably that was it, which Mr. Justice Aylesworth refused.

THE COMMISIONER: Very well, supposing, henceforth, if we refer to that as the first

case.

MR. MacKINNON: That is right.

THE COMMISSIONER: And, you say there was a second one?

MR. MacKINNON: Apparently.

Q. You were convicted of a second charge by Port Hope Magistrate A. B. Baxter?

A. That is right.

Q. And he sentenced you to six months?

A. That is right.

Q. I will come back to that in a moment. I want to deal first with the ---

THE COMMISSIONER: Just press that to its conclusion. Was there an appeal on that?

MR. MacKINNON: Q. Was there an appeal on that?

A. Yes, there was.

Q. To whom?

A. Judge Miller, of Cobourg.

Q. Were you successful on that appeal?

A. Yes, I was.

Q. So, you didn't have to go to the Attorney-General's office about that one?

A. No, never.

Q. Well, then ---

THE COMMISSIONER: Now, was that second conviction before the first one had been terminated by the refusal by Mr. Justice Aylesworth to grant leave?

MR. MacKINNON: According to this, it was not; he was convicted, but the appeal was still pending when the second charge was tried before Judge R.B. Baxter, and the case before Judge R.B. Baxter was adjourned -- the sentence in that case was adjourned until the appeal was heard in the first case.

THE COMMISSIONER: Adjourned sentence?

MR. MacKINNON: Apparently, yes.

THE COMMISSIONER: He registered the conviction?

MR. MacKINNON: That is right.

THE COMMISSIONER: He withheld the sentence ---

MR. MacKINNON: Until the result of the first one.

THE COMMISSIONER: -- pending the result of the first appeal?

MR. MacKINNON: That is right.

THE COMMISSIONER: I have the facts now, thank you.

MR. MacKINNON: Q. Then, Mr. Feeley, you said you went to see Inspector Stringer?

A. That is right.

Q. Did you know him?

A. Well, you know, I didn't know him personally, I had heard a bit about him, you know.

Q. Didn't he at some stage in your relationship with him ask you if you would like

to go into the fibre glass boat business with him?

A. Yes, he did -- not with him -- just he said that fibre glass boats were the coming thing, and they could be made very cheaply, and he got me some booklets on it. I was at his place two or three times where he was covering all the boats himself.

Q. Yes, he has told us about that.

A. He had big drums of fibre glass, and he was trying to sell me on the idea of selling boats.

THE COMMISSIONER: Q. He was what?

A. He was trying to sell me on the idea of selling boats.

MR. MacKINNON: Q. He had some other interest in that proposition, surely?

A. He was trying to get me interested in selling boats.

Q. Just as a friendly gesture on his part?

A. That is right.

Q. Were you a particular friend of his at this time?

A. We were on a friendly relationship, but let us put it this way: I suspected Inspector Stringer had something up his sleeve, and it was a kind of cat and mouse game, and I didn't want to be the mouse, not with him, so I knew there was something; I knew there was

no one on the Ontario Provincial Police force who would want to be known as a friend of a known bootlegger, but I was going to go along with him ---

THE COMMISSIONER: Q. You were going to go along with him with what?

A. Well, he was trying to sell me on the idea of selling fibre glass boats.

MR. MacKINNON: Q. Did you find out what he really had in mind, however, or did you stick with him that long?

A. He wanted me to give him a letter condemning the Peterborough Police Force; in fact, he wanted me to -- he was trying to imprint on my mind I should perjure myself to go up and help convict Clarke.

THE COMMISSIONER: Q. Just a moment; you found that out?

A. That is right.

Q. How did you find it out?

A. He started out talking about building boats, and then he got to talking about the Peterborough Police Department and how rotten they were, and he wanted to convince me they were, and I would say to him, "The Peterborough Police force was one of the finest in the world," and he would say, "I have got to take a drink of water after that one".

MR. WILSON: Mr. Commissioner, I think

we should find out when these statements were made, and the hearsay ---

THE COMMISSIONER: Yes, I think so.

MR. MacKINNON: That part of it was.

Q. But, in any event, you went to Inspector Stringer, and what did he say in your presence; what did he say to you? Did he suggest he had some connections that he could work for you?

A. No, he never suggested he had any connections, but he said he would phone Toronto, and he thought there had been an injustice done for me being charged after reporting the robbery of the Empress Hotel.

THE COMMISSIONER: Q. You were not charged with that?

A. I was charged from somebody reporting that.

MR. MacKINNON: Q. You knew, presumably, you had been already convicted by Magistrate Baxter at that time, or had you?

A. I couldn't say right now.

Q. You had been, because this was after all your appeals were made?

A. Yes.

Q. So, did he say who would be paying for this long-distance telephone call; did you pay for it?

A. No, I never.

Q. Did he say he would get you an

appointment right away with the official of the Attorney-General's Department?

A. He must have got me an appointment.

THE COMMISSIONER: Q. No, no.

A. He sent me to Shaughnessy. He must have got me an appointment.

Q. Just a minute, now. Let us understand this. Who got an appointment?

A. Stringer phoned Toronto, but I don't know who he talked to in Toronto.

MR. MacKINNON: Q. Then, he told you to go to see Shaughnessy. All right, what did Shaughnessy do?

A. He took me across the road.

Q. Do you know whether Shaughnessy got the appointment or not?

A. He made a phone call.

Q. Yes, we know that he phoned Shaughnessy.

A. Well, he told me to be there the next day at two o'clock.

Q. I suppose, if you got an appointment, he would have to have phoned the Attorney-General's Department?

A. I suppose.

Q. And he told you, Shaughnessy, to be there the next day at two o'clock, and then he took you over to the Attorney-General's Department?

A. I don't know who he phoned in

Toronto; he just phoned ---

Q. He also wrote a report, did he not, I remember, Stringer has told us that he wrote a report, and he was neither recommending clemency or otherwise. Did you know he had written a report?

A. No, I never.

Q. And he is the only Provincial Police officer you talked to, apart from Shaughnessy; is he not?

A. That is right.

Q. Had you ever met Shaughnessy before?

A. No.

Q. Shaughnessy didn't know you, I take it?

A. No.

Q. All right, well, now, in this Exhibit 197 at page 1403, the then Attorney-General states ---

THE COMMISSIONER: Page what?

MR. MacKINNON: Page 1403.

Q. It states that the Lieutenant-Governor in Council had the power to grant clemency, and the recommendation was made through the Provincial Police and the officers of the Attorney-General's Department. Do you know who in the Attorney-General's Department recommended that you should be given clemency?

A. No,I don't.

Q. No. Did Mr. Bowman appear to be aware of your problem when you first went in there?

A. Well, he had heard, because he had been talking to Mr. Martin.

THE COMMISSIONER: Q. Mr. who?

A. Mr. Martin.

MR. MacKINNON: Q. Mr. Martin had called him?

A. Yes.

Q. Was that on your instructions?

A. No, that was because he was involved in the appeal.

Q. That was because he was involved in the appeal; I see. THE COMMISSIONER: Well, Martin, Mr. Martin, made the application on your behalf to Mr. Justice Aylesworth, and I suppose it was in that connection that Mr. Martin had been in touch with Mr. Bowman.

MR. MacKINNON: Yes.

THE COMMISSIONER: As long as we get that clear.

MR. MacKINNON: Q. Did Mr. Bowman tell you he had had a report from Mr. Stringer?

A. No, he never.

Q. According to this Stringer report, a copy of it I have been given, dated February 28, 1955, he says the total convictions recorded against you only amounted to one fine of $10 with $2.50 court costs.

D/4

Well, was that accurate?

A. On that charge there, you mean?

Q. No, he says the only record you have was one that amounted to a fine of $10 with $2.50 court costs.

A. That is right.

Q. You have told us this morning, or you told Mr. Wilson, you thought you had three convictions by that time.

A. No, it was two; there would be two convictions. That was for having a bottle in my car other than my residence; that is right.

Q. Well, then ---

THE COMMISSIONER: Let us get that clear; that report is dated February 28th --- ?

MR. MacKINNON: Dated February 28,1955.

THE COMMISSIONER: It says this witness only had one fine -- one conviction?

MR. MacKINNON: Only had one conviction and was fined $10 and $2.50 court costs.

THE COMMISSIONER: One conviction, upon which he was fined.

MR. MacKINNON: That is right.

THE COMMISSIONER: Fined $10, was it; did you say?

MR. MacKINNON: $10 and $2.50 court costs.

THE COMMISSIONER: Now you are asking if there had been only one conviction prior

to the one that went as far as Mr. Justice Aylesworth's refusal.

THE WITNESS: That is right.

THE COMMISSIONER: Q. There was only one prior to that?

A. Just the two, that one there, and the other one.

Q. Well, "just the two, that one there, and the other one" won't make much sense on this record.

When were you convicted by Magistrate Philp?

What was the date of that, Mr. MacKinnon?

MR. MacKINNON: The date of the conviction by Magistrate Philp, April 15th, 1954.

THE COMMISSIONER: Q. All right, prior to April 15, had you only been convicted once?

A. That's right.

Q. That is the fact?

A. Yes.

THE COMMISSIONER: All right, that was correct then, what he said.

MR. MacKINNON: Q. There was the conviction at that time by Magistrate Baxter still outstanding?

A. That is right, there was.

Q. Well, now, when you went in to see Mr. Bowman, did you tell him that at that

time you had been an informant for the Provincial Police?

A. Yes, I did.

Q. Were you an informant for the Provincial Police?

A. The Provincial Police?

Q. That is right; I am not talking about the City of Peterborough police or Mr. Clarke, I am talking to you now about the Provincial Police.

D/S

A. No. That is right, I don't believe I did.

Q. You were not an informant for the Ontario Provincial Police at that time, were you?

A. No.

Q. And, just dealing with this report and the convictions on it, and the fact that the Magistrate and the Crown Attorney had refused to recommend clemency, he says:

"The Magistrate would know nothing "about it, but the Provincial Police "used this man, who allowed himself "to be used knowing he was going to "put himself in jeopardy."

That is not correct, is it, the Provincial Police did not use you?

A. That was an apprehending case up on the highway.

Q. Yes, but it was Mr. Deputy Clarke

of the Peterborough Police for whom you were an informant, not the Provincial Police?

A. That is right.

THE COMMISSIONER: Q. What do you mean, it was a case on the highway?

MR. WILSON: Mr. Commissioner, they were apprehending someone out on the highway outside the City of Peterborough, and when he was out on the highway, that comes under the jurisdiction of the Ontario Provincial Police.

THE COMMISSIONER: Yes, I know.

MR. MacKINNON: Q. But, that was not the highway case for which you were convicted; that was in connection with the robbery at the Empress Hotel?

A. Yes, the robbery at the Empress Hotel; he cleaned the safe out.

Q. Then, you went back there making sure that the wheels of justice would grind surely, but they would grind slowly, for you?

A. That is right.

THE COMMISSIONER: He did not say that.

MR. MacKINNON: He said the wheels were grinding away ---

THE COMMISSIONER: No, no, he said he was told to go home and everything would be all right; nothing else.

THE WITNESS: Yes, that is right.

MR. MacKINNON: I am sorry, he said that the wheels of justice would grind slowly,

but they would grind surely ---

THE WITNESS: Yes, he said they will grind slowly, but you will be all right.

MR. MacKINNON: Q. Yes. When your time was up, and you surrendered into custody, did you keep away from his home pending ---

A. Yes, I did.

Q. In other words, to avoid being picked up while the wheels ground on?

A. Yes.

Q. And, then, did you go back to see Mr. Bowman again?

A. That was the second time in about three days.

Q. Yes. Well, now, who made that appointment?

A. No one.

Q. How did you get in to see him; did you phone him?

A. No, I just drove up.

Q. And walked into his office?

A. Yes.

Q. I see. No one had made an appointment for you on that occasion?

A. No.

Q. Then you came back and you returned once again to Inspector Stringer?

A. I believe so.

Q. Wasn't it on that occasion that he told you to keep away from my house and that

you could use the attic?

A. Yes.

Q. You didn't keep away from his house, but you made yourself scarce?

A. Yes.

Q. Then did you phone your solicitor?

A. Yes.

Q. Did he state with whom he had been speaking?

A. No, he never.

Q. And, at that time, there is no doubt about it, you had been convicted and sentenced to jail?

A. That is right.

Q. There was no alternative of a fine or anything like that; it was a jail sentence . . .

A. Yes.

Q. . . . period. Yes. Then you were told by your solicitor to report in Monday morning and have $200 with you?

A. That is right.

Q. Were you told the reason for the $200?

A. Yes.

Q. What was it?

A. That there would be a fine.

Q. And who was going to impose the fine?

A. I don't know.

Q. Who did impose the fine?

A. I don't know.

Q. But you paid it, in any event?

A. I paid it, yes.

Q. And your sentence was commuted?

A. That's right.

Q. And had you boasted that you were got off by someone in Peterborough?

A. No,that's paper talk.

Q. And, if you failed in your appeal against the six-months sentence, "You would beat that one as well"?

A. No, I never said that.

THE COMMISSIONER: He did not boast he had got off on what?

MR. MacKINNON: I will just read the words here, "got off by someone in Peterborough".

Q. And I suppose you were aware that both Magistrate Philp and Bradshaw had sent what Bradshaw described as "stiff letters" refusing the recommendation of clemency?

A. That -- I did hear something about that; I can't tell you now whether it was up there in Harrow, or where it is.

Q. Did Mr. Bowman discuss those letters with you?

A. No, he never.

Q. And, so far as Stringer is concerned, I may read to you this from the

February 28th, 1955 report ---

Is this filed as an exhibit?

MR. WILSON: No.

MR. MacKINNON: Q. I am reading to you from this February 28th, 1955 report, paragraph 5, and this is a "Stringerism", I think we may call it. He says:

" I would not be prepared to "say that Geoffrey Feeley, from "his record, would be entitled to "clemency but, if I had suffered "his presence for seven years with "nothing more than a $10 fine, "I think principle would demand "some suggestion of a change of "policy. "

Now, you can make what you want of that, Mr. Commissioner.

THE COMMISSIONER: I cannot make anything out of it. I saw that before, and I paused and tried to understand what it meant. To me, it is meaningless.

MR. MacKINNON: Well, it is. I do not believe that was the recommendation that was referred to by the Provincial Police.

THE COMMISSIONER: That will be 198.

---EXHIBIT NO. 198: Report dated Feb.28,1955.

MR. MacKINNON: There is some writing

on the side which I believe was made subsequently, and not part of the original exhibit.

MR. WILSON: Yes, there is some writing on the side which was made subsequently. The notation on the side, I think, should be read, it was made by the Ontario Provincial Police.

D/6

MR. MacKINNON: I do not know who made it.

THE COMMISSIONER: Is there a notation on the side that you are proving later?

MR. WILSON: I can prove it, if it is not admitted.

THE COMMISSIONER: Well, there is a notation on the side reading as follows: -- this is a copy --

MR. MacKINNON: I have the original here, we might as well put this in.

THE COMMISSIONER: Yes, if you have the original, we might as well put it in.

The notation on the side will then be:

"Mr. Geoffrey Feeley came into the "office to explain his presence in "the Department of the Attorney-"General."

Are you through?

MR. MacKINNON: Yes.

THE COMMISSIONER: Oh, I beg your pardon.

EXAMINATION BY MR. SHINN:

Q. I believe, Mr. Feeley, you said you brought $200 to the jail with you and you paid a fine of $100. Did you keep the remaining $100?

A. Yes, I did.

Q. During the time you were in Magistrate's Court did counsel on your behalf make a representation that you had assisted in the bank robbery and asked for clemency for you in court?

A. No, I don't believe so.

Q. Was it done on the appeal?

A. It could have been done on the appeal through Arthur Martin.

Q. It was not done before the County Court Judge?

A. I couldn't say it -- the appeal never got through.

THE COMMISSIONER: Q. Well, it got through; it was dismissed.

A. No, it was never heard; they said that the reasons for the appeal not getting through was that the Magistrate's case was such that there was no opening to get to an appeal.

Q. Your appeal was dismissed by County Judge Miller?

A. That was the second one.

Q. No, the first.

A. I am talking about the one that had this $200 fine.

MR. SHIME: Q. Do you know ---

THE COMMISSIONER: Well, now, wait a minute.

MR. SHIME: Sorry.

THE COMMISSIONER: Q. What did Magistrate Baxter give you, six months?

A. Yes, and I appealed and Judge Miller got that appeal ---

Q. Was that six months to be concurrent with the jail sentence imposed by Magistrate Philp?

A. Yes, that's the way it was.

Q. To be concurrent?

A. Yes.

Q. And, what was the jail sentence imposed by Magistrate Philp?

A. Two months.

THE COMMISSIONER: Well, Mr. Shime, if I may direct myself to Mr. MacKinnon: I am a bit confused, Mr. MacKinnon.

MR. MacKINNON: About what, sir?

THE COMMISSIONER: Well, on the first conviction he was given two months.

MR. MacKINNON: That is right.

THE COMMISSIONER: On the second, he was given six months concurrent?

MR. MacKINNON: Q. Well, was it concurrent?

THE WITNESS: Well, that's the appeal that I won.

THE COMMISSIONER: Q. I am not talking about the appeal. In the second case, Magistrate Baxter sentenced you to six months concurrent with the two months you had to serve under the first conviction.

Do you know what is meant by "concurrent"?

A. No.

THE COMMISSIONER: Well, all right, he doesn't know.

MR. MacKINNON: Mr. Wilson will probably know the record. It doesn't say "concurrent" in the Hansard. It may very well have been conc_urrent; I don't know.

THE COMMISSIONER: Well, it may unravel itself later; at the moment, I am a bit confused.

MR. MacKINNON: Well, with respect, sir, does it make any difference? I am just wondering what is concerning you in that connection?

THE COMMISSIONER: Well, how did he get out if he was sentenced to six months on the first one and two months on the second one?

MR. MacKINNON: He has told us he appealed that and was successful on appeal.

THE COMMISSIONER: All right, I have it clear now. Thank you very much.

(Page 7565 follows)

THE COMMISSIONER: All right, Mr. Chime.

MR. CHIME: Q. Do you know why the Magistrate and the Crown Attorney would send stiff letters of refusal in respect to not granting you any clemency in this matter?

A. No, I wouldn't.

MR. CHIME: I have no further questions.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: I have no questions, thank you.

MR. WILSON: I have no further questions, thank you.

THE COMMISSIONER: That is all.

---The witness retired.



MR. WILSON: Call Mrs. Shrubb.

Mr. Commissioner, Mr. Rose made great protestations to the Court of appeal about, I believe, he had not had the opportunity to cross-examine, in the interest of his clients, McDermott and Feeley, certain witnesses, among these were Curly Gardner. He had said at that time he wanted Gardner back. He now tells me he does not want him back. But he also mentioned Mr. Shrubb and Mrs. Shrubb. And I now present first Mrs. Shrubb, so he can have his opportunity of cross-examining that witness.

THE COMMISSIONER: All right.

MR. CARLEY: Mr. Commissioner, I have been retained by Mrs. Shrubb on this hearing.

THE COMMISSIONER: What is your name, please?

MR. CARLEY: My name is Robert Carley.

THE COMMISSIONER: All right, have Mrs. Shrubb come up.

MRS. GLADYS SHRUBB, takes the stand.

THE COMMISSIONER: Mrs. Shrubb, you were here before, and you were then sworn, and you are still under oath; do you understand that?

A Yes.

BY MR. ROSE:

Q. Mrs. Shrubb, I just have a few questions for you. In, I believe it was around 1951, was it not, that you and your husband were living in Chatham, Ontario?

A Yes.

Q. And at that time he was a member of the Ontario Provincial Police?

A Yes.

Q. And I believe you also obtained employment at that time in Chatham?

A. Yes.

Q. And where was that, Mrs. Shrubb?

A. Well, I worked several places.

Q. Did you work with the Lloyd Bank Company, before?

A. Yes.

Q. And who is in charge of that

company?

A. Mr. Lloyd.

Q Is that Mr. Don Lloyd?

A. Yes.

Q. And did Mr. Don Lloyd at that time also own a type of hotel known as the Town House?

A Yes, he did.

Q. And is it not correct after you began working for Mr.Lloyd that you and your husband applied for the position of resident managers of the Town House?

A. Not my husband, I did.

Q. I see. You applied to Mr. Lloyd?

A. Yes.

Q. And did you have -- were you managing the Town House then?

A. Yes.

Q. Were you carrying on with your other position at the Lloyd Bank Company?

A. No.

Q. And did you live in the Town House?

A. Yes.

Q. And did your husband live there, too?

A. Yes.

Q. And did he have anything at all

to do with the managing of the Town House in any way whatsoever?

A. No, he didn't.

Q I see. Was he aware of the fact that there was some talk about liquor being sold in the Town House?

A. Thatwas between Mr. Lloyd and - - - -

Q. Between whom?

A If there was any talk he had nothing to do with it.

Q. Who didn't?

A. My husband.

Q. There was liquor being sold in the Town House?

A. No liquor.

Q Not at all?

A. No, there was not.

Q. I see. Did you know that shortly after you gave up the managering of the Town House that a conviction was registered against the person then operating it?

A. After we had left?

Q. Yes?

A. I don't know anything about that.

Q. Did you have any discussion at any time, either directly with Mr. Lloyd or through your husband with Mr. Lloyd about the

purchase of the Town House?

A I didn't get that question.

Q. I beg your pardon?

A. I didn't get it.

THE COMMISSIONER: She didn't hear the question.

MR.ROSE: Did you directly at any time discuss with Mr. Lloyd the possibility of purchasing the Town House?

A. You mean during the time we were living there?

Q. During the time you were living there?

A. No. He did mention it would be nice for us to have it, but we didn't want it.

Q You didn't want it at all?

A. No.

Q Did you and your husband discuss the matter with Mr. Lloyd?

A. Did my husband?

Q. Yes?

A. No, I couldn't say whether he was around at any time when there was any - - - but I remember he used to just come in, whether we may have been sitting and talking. But I doubt very much my husband knew anything about it.

Q. I am informed that Mr. Lloyd refused your husband's offer to purchase the

Town House for the sum of $55,000?

A. My husband never wanted the Town House, it was too much work.

Q. With a $5,000 down payment. Do you know anything about that at all?

A. No.

Q. What do you know about the Tilbury Hotel?

A. What do I know about it?

Q. Yes?

A Well, I know at one time Mr. Lloyd had talked about it to me.

Q. Was the subject of the discussion the possibility of purchasing the Tilbury Hotel?

A. No, we had looked at it, but we never had that type of money.

Q. Who looked at it?

A. Mr. Lloyd and I.

Q. Mr. Lloyd and - - -

A. Yes.

Q. And who else, you and Mr. Lloyd --

THE COMMISSIONER: Mr. Lloyd and yourself?

A. Yes.

MR. NISE: Q. Were you looking at it with a view of purchasing it?

A. Were we - - - I am mixed up, I can't - - -

Q. Did you look at the Tilbury Hotel?

A. No, he did mention it to me.

Q Mr. Lloyd had mentioned it to you?

A. Yes.

Q. And you mentioned it to your husband, did you not?

A. I don't remember.

Q. Well, did any discussion take place as to the possibility of purchasing the Tilbury Hotel?

A. Not that I can recall.

Q. Did any conversation take place at all as to the fact that a $10,000 down payment would be needed for the purchase of the Tilbury Hotel?

A. I don't remember.

Q. You don't remember any conversation of that nature?

A No.

Q Did you have any conversation with your husband concerning the purchase of the Tilbury Hotel?

A. No.

MR. CARLEY: Mr. Commissioner, isn't any communication between husband and wife privileged?

THE COMMISSIONER: You are right.

MR. ROSE: Q. How long were you in Chatham altogether?

A. Oh, I think it was around seven years.

Q. And when was it you left Chatham?

A I don't know. I don't remember the year.

Q. And during the time that you were there, do you recall having -- or any discussion taking place with Mr. Lloyd at all on the proposed purchase of a local service station?

A Mr. Lloyd talked about a great many purchases. He was always talking, but I never paid any attention to him. It was just a lot of talk.

Q What about the service station, was there any discussion about that at all?

A. I don't know, he talked about so many things. I don't ever remember anyone place that he ever talked about.

Q. Well, I am informed that your husband at that time approached Mr. Lloyd in regard to the proposed purchase of a local service station, and wanted financial backing from Mr. Lloyd for that purchase. Do you know anything about that at all?

A. No.

THE COMMISSIONER: Just a moment. Did Lloyd ever tell you anything about it?

A I don't remember anything.

MR. ROSE: Q. Well, you absolutely don't remember anything about a service station?

A. As I say, there were so many things he talked to me about, one thing like that wouldn't stand out.

Q I see. So, this talk -- you say so many things - - was it mainly concerned about the possibility of purchasing a business of one kind or another?

A He, he just liked to talk.

Q. He just liked to talk. Just because he liked to talk, is that why you went to look at the Tilbury Hotel - - -

THE COMMISSIONER: She said she didn't look at the Tilbury Hotel.

MR. ROSE: I thought - - - -

THE WITNESS: I was mixed up and confused on that question.

MR. ROSE: Q. You say there was no talk of the purchase of the Town House Hotel?

A. I say if it was there was never any thought put into it, just a lot of chit chat, that is all it amounted to.

Q. I see. Any discussion that took place would be just small talk and

no serious - - nothing behind it at all?

A That is right.

Q. There was no thought in your mind, at least, that your husband would want to leave the Ontario Provincial Police and take up another business?

A. No, he liked his work.

Q So, if Mr. Lloyd should state that there was a discussion about the purchase of a local service station he would be in error?

A. I won't say one thing or another. I just don't remember what was said, if there was anything said.

Q. Well, to your knowledge, did your husband ever approach Mr. Lloyd on one or more occasions for financial backing with respect to any business enterprise?

A. He could have, I don't know. Whether I could have approached - - -- I could have mentioned it. I just don't recall. I just don't know what you mean.

Q. Well, let me ask you this: To your own knowledge did you know whether your husband approached Mr. Lloyd for financial backing for the purchase of any business whatsoever?

A. No, never any business.

Q. While you were in Chatham?

A. Not as far as business goes.

Q. Did he approach him for financial backing for any purpose?

E/2

A. I won't say he did. I probably had said - - - It was me, if anyone.

Q. What was that about?

A. Well, I just don't remember what it could have been.

THE COMMISSIONER: Well - - -

MR. ROSE: Q. Don't you recall?

THE COMMISSIONER: I thought you said some request had been made of Mr. Lloyd for some financial assistance, but not for any business down in that part of the Province?

A. Yes, that is right. There was some offer later, but not as far as business down there is concerned.

MR. ROSE: Q. Well, business anywhere else?

A. Well, I got Mr. Lloyd, I think, to back me for my shop.

THE COMMISSIONER: That is your beauty shop in Peterborough?

A. Yes.

MR. ROSE: In Peterborough. As a matter of fact, didn't your husband go down to see Mr. Lloyd about that?

A. No, I don't believe he went down.

Q. Did Mr. Lloyd come to Peterborough?

A. I just forget how it was arranged.

Q. Wasn't it a question of backing a promissory note?

A. It was just a backing, there was no money. I got the money from the bank.

Q. Were you the one who discussed it with Mr. Lloyd, or your husband?

A. I discussed it as well, though my husband probably went along with me, no doubt. I just forget how it was arranged now.

Q. Well, now - - -

THE COMMISSIONER: You got a loan from the bank?

A. Yes.

Q. And he backed your loan?

A. And my husband probably knew about it. He could have talked to him for that matter. I just forget how it was arranged.

MR. ROSE: It was through Mr. Lloyd you met Mr. Vincent Feeley, was it not?

A. Yes.

Q. That would be, I suggest to you, either late 1955 or early 1956?

A. I could be. I can't remember dates.

Q. Just try. Search your memory back.

A I can't.

Q. Was it while you were living in Chatham?

A I never knew him in Chatham.

Q. When you left Chatham?

A. That I don't know either, the year.

Q Surely, Mrs. Shrubb, you remember when you moved from Chatham?

A No.

THE COMMISSIONER: Do you remember the year?

A Let me see. I can figure it up, I guess.

THE COMMISSIONER: Well, figure it out.

THE WITNESS: It would be about roughly, around nine years ago, I guess.

MR. ROSE: Q. Around 1953 or 1954, perhaps?

A. Uh,huh.

Q. Is that right?

A. I guess.

Q And you moved to Toronto?

THE COMMISSIONER: After they moved to Toronto?

THE WITNESS: We moved to Toronto from Chatham.

MR. ROSE: Q. Then, you moved to Toronto - - -

THE COMMISSIONER: Pardon?

MR. ROSE: They moved from Chatham to Toronto.

THE COMMISSIONER: It was after they moved to Toronto she met Feeley?

THE WITNESS: Yes.

MR. ROSE: Q. You moved to Toronto, you moved out to Scarborough?

A Yes.

Q. And you took an apartment there?

A. Yes.

Q. Do you know a gentleman by the name of Cavalier, who lives in that apartment building?

A. Do I?

Q. Yes.

A. Yes, there was a Cavalier.

Q. A gentleman lived right across the hall?

A. At one time, yes. And then he moved out.

Q How long was it after you moved to Toronto that you met Vincent Feeley?

A. That I am not sure of. I don't know whether it was the second year we were there or not.

THE COMMISSIONER: Keep your voice up.

MR.ROSE: I am sorry, I can't hear you.

A. I don't know whether it was the second year or not.

Q. Well, that would be then, perhaps, in 1956. Would that be a fair estimate?

A. I suppose.

Q. You would have met him before the end of 1956?

A. I think so. I am not sure.

Q. Yes. And at the time you moved to Toronto around 1954, your husband was attached to the Anti-Gambling Squad of the Ontario Provincial Police; is that not correct?

A. Yes.

Q Did you have a typewriter in your apartment?

A. Not at first -- I don't think we had one. Maybe at the last we could have had one.

Q. A typewriter in the apartment in 1956?

A. We could have. I don't know when Jack got it. It was at the last, we didn't have one the first year or so. I don't remember.

Q. The first year?

A. Or the first couple of years, that I recall.

Q. Didn't your husband use the typewriter to type certain reports in the apartment?

A. I don't know whether he used the typewriter. It was there, I know.

Q. Did your husband type anything in the apartment?

A. Oh, of course he has typed things.

Q Would it be letters to friends or with respect to business?

A. He used to write letters.

Q. Typed letters?

A Yes.

Q. Letters to whom?

A. To the family.

Q And what other type of things did he type?

A I don't know, I didn't pay that much attention.

Q I am sorry, I didn't hear you?

A. I don't know, I didn't pay that much attention what he typed.

Q. Did you ever see any document at all that he was typing, reports on the heading of the Ontario Provincial Police report?

A. It could have been there, I could have noticed it. I don't remember.

Q. I believe your husband kept one or more of his diaries at home?

A. I don't know.

Q. You know what a diary looks like?

A. No.

Q. Ever/ seen a book like that around the house, a blue book which has been filed as an exhibit, as your husband's diary, the Ontario Provincial Police?

A I didn't pay that much attention to it if it was there.

Q You didn't pay that much attention?

A. No.

Q. You never recall seeing a book if this nature around the house?

A. No, I don't recall. There were so many books around, my childrens. My boy has school books and library books.

Q. You do not specifically recall a book of the type I just showed you?

A. I won't say it wasn't there. I don't know. I can't remember.

Q. Have you ever seen a book of that type in the possession of your husband?

A. I can't remember if it was a

book like that or not.

Q. Have you ever seen a book to which your husband referred as a diary, a police diary?

A I never paid that much attention.

Q. How long did your husband spend on the Ontario Provincial Police?

A. I don't know. He was in Chatham - - let me see, seven years, and Toronto five.

Q. About twelve years?

A. I guess.

Q You mean to say during that twelve year period you never saw your husband in possession of a book which was identified as a Ontario Provincial Police diary?

A. I won't say I never saw it, but one book never meant any more to me than another. He could have had a lot of books around and it didn't mean that much to me.

Q. You don't recall, or it didn't mean too much to you? I want to be fair?

A. Either. I wasn't that much concerned with them. Everyone has things around when they are working which you don't pay that much attention to.

Q. Now, there is no doubt about it at all your husband discussed with you the

possibility of accepting an appointment in Peterborough with Inspector Stringer there?

A. An appointment?

Q. About moving to Number 8 District Headquarters andassuming the rank of Sergeant under Inspector Stringer?

A No, he never ever mentioned anything like that to me.

Q Your husband has given evidence here, Mrs. Shrubb, at page -- beginning on page 3112, after he has been telling us about the conversation with Stringer and about moving to Peterborough, Mr. Wilson says to him:

"Q. Well now, just there, you "say you went home?

"A. Yes.

"Q. Who did you tell about this "proposal?

"A. I would have talked it over "with my wife.

"THE COMMISSIONER: Q. Well, did you "talk it over with her?

"A. Yes, I am quite certain "I did, sir."

And further down the page:

"THE COMMISSIONER: Q. What are "you trying to say, that when you "went home that evening you talked

"over with your wife - - -

"A. Yes, I did, sir.

"Q. That is to be expected.

"But you didn't tell Anderson for

"two or three days?"

That is the evidence your husband gave - - -

MR. WILSON: Page?

MR. ROSE: Page 3112.

THE WITNESS: I just don't know what you mean, when he went to see about the job in Peterborough, you mean?

THE COMMISSIONER: No, no, no. There was some suggestion that he might be moved to Peterborough, not in his present position, but still with the Ontario Provincial Police?

A. I thought he meant about moving, about getting a job in Peterborough.

Q. As Chief of Police, you mean?

A. Yes, the job he has now.

Q. That is not what Mr. Rose is talking about.

A. I am sorry, I thought that is what you meant.

MR. ROSE: Let us go back to the other. You recall your husband talked to you about a proposal that had been made to him by Mr. Stringer to leave the Anti-Gambling

Squad and to go to Peterborough and assume the rank of Sergeant under Inspector Stringer?

A. He could have mentioned it but I don't remember him saying anything.

Q. You don't recall?

A. He could have mentioned it, but I don't remember right now what was said. I didn't pay much attention.

Q. Did you pay any attention to what your husband told you about his job?

A. Not too much.

Q. Not too much. You don't recall a matter which must have meant something to you in your life, moving from Toronto to Peterborough. You don't recall discussing that at all?

A. The only time is for this job here. The only time - - -

Q. Do you ever recall in Chatham a question, a proposition that your husband assume duties over with the Detroit Police Force?

A. What was that question again?

Q. Do you ever recall in Chatham the question arising about your husband assuming duties with the City of Detroit Police Force?

A I didn't have too much time to talk there, I was too busy.

Q. The place where you lived in Scarborough isn't that close to a shopping plaza?

A. Yes, it is.

Q. What is the name of that plaza?

A Cliffside, I think it was.

Q. I beg your pardon?

A. Cliffside, I believe it is.

Q. And are there not two or three pay telephones within a very short distance of your apartment?

A. There may be two or three, I don't know.

Q Well, you used these pay telephones on occasion, didn't you?

A Once in a while.

Q As a matter of fact, did you not on more than one occasion telephone from a pay telephone in that area to an Atwater number?

A. I have forgotten if I did. I don't remember.

Q. Did you ever make any calls from a pay phone there where you have to deposit a long distance charge?

A. I don't remember.

Q. You don't remember. Would you have any reason to ever call an Atwater number?

A. I don't know.

Q Do you know any Atwater numbers?

A. No.

Q Do you know where the Atwater exchange is?

A. No, I never paid that much attention to the numbers inToronto.

Q Would it refresh your mind at all if I told you it was in the Cooksville area?

A. I don't remember.

Q. Did you ever use any of these telephones to call Mr. Vincent Feeley?

A. I guess I have called him, yes.

Q. You guess you have called him?

A. Yes.

Q. From one or more of these pay telephones?

A Yes.

Q. And do you not recall when you called him you dialed an Atwater number?

A I don't remember.

Q Do you recall calling Mr. Feeley and someone else answering thephone, and you having to wait until he was brought to the phone?

A. I could have.

Q. As a matter of fact, one or more of these calls was to the Centre Road Veterans' Club in Cooksville, wasn't it?

A. I don't know.

THE COMMISSIONER: How did you get the number?

A. I don't remember really, just making the calls. I don't remember now just calling a number.

Q. I thought you said you had called Pooley?

A. I did call him out. I don't know what number it was.

Q. How did you get the number, I mean, how did you know where to reach him?

A. Oh, well, he would call the house, you know, when he would call, if I couldn't talk there, he would leave a number for me to call.

MR. ROSE: Q. If you couldn't call from there, he would leave a number for you to call, and then when you had the opportunity to talk you would go out and use the pay phone and call this number and talk?

A. Yes.

Q. I just want you to search your memory. As a matter of fact, when you made some of these calls to him from a pay phone

it cost you more than a dime to phone, didn't it?

A. I don't remember that.

Q. Now, if we assume, as far as your memory is concerned, you met Feeley before the end of 1956, would it be fair to say you saw him and spoke to him during the whole time you lived in Toronto before you moved to Peterborough?

A. What was that again?

Q. Did you see Feeley personally and speak to him over the whole period of time that you lived in Toronto, from 1956 onwards?

THE COMMISSIONER: Put it just a little differently, I think it would be clearer, I think. From the first time she met him until she moved to Peterborough did she from time to time call him.

MR. ROSE: Q. From time to time speaking to him either personally or on the telephone?

THE WITNESS: Could I have a drink of water, I don't feel good.

THE COMMISSIONER: Will you be all right?

THE WITNESS: Yes, everything just went blank, sort of.

THE COMMISSIONER: Do you want to sit down?

THE WITNESS: Yes.

THE COMMISSIONER: Get her a chair, please.

All right, Mr. Rose.

MR. ROSE: I wonder, perhaps if the reporter might read back the last question. I don't know if there was an answer made to it.

THE COMMISSIONER: Would you let us have that, Mr. Reporter.

THE REPORTER:

"Q. From time to time speaking
"to him either personally or on
"the telephone?"

THE COMMISSIONER: Do you understand the question?

A. Could I hear it again?

THE COMMISSIONER: Do you mind me rephrasing it?

MR. ROSE: Certainly.

THE COMMISSIONER: From the time you first met Pooley did you continue from that time to call him until you moved to Peterborough?

A. No, not at all the last.

MR. ROSE: Q. Could you give me, perhaps, an approximate date when you contact with Pooley ceased?

A. Oh, the last year I didn't - - -

Q. That was the last year you lived in Toronto?

A. I mean, he would call, yes.

Q. He would call you on the telephone?

A. Hm,hm.

Q. And the two of you would talk on the telephone?

A Yes.

Q But there was no personal contact during the last year?

A. No, there could have been. I have forgotten just the date.

THE COMMISSIONER: Wait a minute.

A. I said I have just forgotten the dates. Months later.

MR. ROSE: Q. That is the last year you lived in Toronto before moving to Peterborough?

A. Yes.

THE COMMISSIONER: What about the last month you lived in Toronto before moving to Peterborough? What are you telling me about that period? Are you saying during that last year you lived in Toronto you talked to him from time to time or you didn't, which?

A. On the phone, yes.

Q. You talked on the phone. I see.

MR. ROSE: Q. I would gather from the rest of your answer occasionally you saw him personally, occasionally the two of you were

actually together.

MR. CARLEY: During what period?

THE COMMISSIONER: The last year they lived in Toronto.

MRS WITNESS: There could have been once or twice.

MR. ROSE: Q. I am sorry?

A. There could have been a time.

Q. Now, when was it you moved to Peterborough?

A. We have been there four years. I think four years ago we moved.

MR. WILSON: January the 1st, 1959.

MR. ROSE: Q. It would be around the 1st of January, the month of January, 1959?

A. Yes.

Q. Would that be correct?

A. I think so.

Q. And that is when your husband accepted a position with the Peterborough Police Department?

A. Yes.

Q. And I believe that he started there, was it not, as an Inspector, and then was subsequently elevated to Deputy Chief Constable?

A Yes.

Q. And do you recall when it was that you first heard of the possibility of your

husband leaving the Ontario Provincial Police and accepting an appointment in Peterborough?

A. Do I recall when it was?

Q. Do you recall when you first heard about it?

A. When he was going to take the job, you mean?

Q. Yes.

THE COMMISSIONER: Yes.

THE WITNESS: I don't know.

MR ROSE: Q. I presume it would be some time in 1958?

A. I think it was - - - I just forget now. I know it was in the paper, I know.

Q. I am sorry, I can't hear you?

A. It was in the paper they were looking for a man. And that is when he decided on it.

Q. That is when he decided -

A. I just don't know when it was.

MR. CARLEY: It was in the paper that Peterborough was looking for a man, and that is when he became interested and you learned about it?

A. Yes.

MR. ROSE: And he made an application?

A. Yes.

Q. That was to your knowledge, you were discussing it at home ?

A. Yes.

Q. It was a major step insofar as his career was concerned, leaving the Ontario Provincial Police and going with the Municipal Police; is that correct?

THE COMMISSIONER: It was an important matter, no question about that.

MR. ROSE: Q. And you were discussing it with him. I presume he consulted you about it?

A. Yes, we talked about our future.

Q. I am sorry.

THE COMMISSIONER: They talked it over.

R/4

MR. ROSE: Q. Now, when you gave evidence here before, Mrs. Shrubb, you mentioned that you had seen Pooley - - I believe you said you first met him in the King Edward Hotel as a result of an introduction made by Mr. Lloyd?

A. That is right.

Q. That is the King Edward Hotel in Toronto?

A. Yes.

Q. And that subsequently you

saw him in the Royal York Hotel?

A. Yes.

Q. That is Feeley?

A. Yes, I remember seeing him there, yes.

Q. As a matter of fact, did you not meet him on other occasions in the Park Plaza Hotel?

A. Yes, I had forgotten about that, that there was.

Q. Would it be fair to say that during the period of your relationship,or your connections with Feeley that you have met on occasions at least fifteen or twenty times?

A. That seems like a lot - - - I don't remember meeting that many times, no.

Q. How many times would you say?

A. I - - I have forgotten. I mean, I couldn't just give you an exactnumber. But I wouldn't think it would be near that many.

THE COMMISSIONER: Can you hear her?

MR. ROSE: I gathered before from the answer it wouldn't bemany.

THE COMMISSIONER: Didn't think it was near that number.

MR. ROSE: Q. And I would gather -- I am instructed opother occasions rather than

meeting some place that you and Mr. Feeley would go for drives on numerous occasions?

A. No, never.

Q. Never?

A. No, I think he drove me home, I think, one night.

Q. Never picked you up at all anywhere in his car?

A. No.

MR. ROSE: All right, thank you, Mrs. Shrubb.

THE COMMISSIONER: Any questions?

MR. [redacted]: I will have to think this one over. I was criticised for not cross-examining this witness before.

I think I will not ask her any questions.

THE COMMISSIONER: Mr. Wilson?

MR. WILSON: No further questions.

THE COMMISSIONER: That is all, thank you.

---The witness retired.

MR. WILSON: It is one o'clock.

THE COMMISSIONER: Rise for lunch.

----Whereupon the hearings recessed at 1:02 p.m.

(Page 7595 follows)

AA/1/FAL

---On resuming at 2:35 o'clock p.m.

MR. WILSON: I will call Chief Constable Shrubb.

Mr. Carley is also appearing for this witness.

WILLIAM JACK SHRUBB, Recalled

THE COMMISSIONER: Q. You are already under oath?

A. Yes.

MR. WILSON: Mr.Rose, here is the witness for you.

MR. ROSE: Thank you, Mr. Wilson.

EXAMINATION BY MR. ROSE:

Q. Chief Constable Shrubb, when you gave your evidence before you told us about an incident near the end of September, 1954, when the then O.P.P. Constable Wright's car had been damaged as a result of being struck by a car driven by Mr. Feeley?

A. Yes.

Q. And you gave evidence concerning the report of that matter by Wright to his

the request of that motion by Judges to his

Q. And you gave evidence concerning

A. Yes.

pursuit by a car driven by Mr. Hawley

car had been damaged as a result of being

1954, when the then O.P.P. Constable Bridges

about an incident over the end of September,

the first part evidence before you [illegible] as

superiors and the fact that you were present in his house at a time that Feeley called?

A. Yes, I was.

Q. Now, you do know, do you not, that Mr. Wright subsequently made a report in respect of that whole incident?

A. I didn't see the report but I have reason to believe that he had, yes.

Q. Did you never at any time see the report?

A. I don't believe that I ever did. It was submitted, I believe, to Inspector Tomlinson and I don't believe I had ever seen the report.

Q. You had no hand in making up that report at all?

A. I don't recall that I did. He might have -- It's a little difficult. I wouldn't say that -- He may have consulted me on some parts of it or not - that is, the part as far as I was concerned - I can't say that for sure.

Q. Some parts --

A. I don't recall having read the report, though. Maybe I did; I don't know.

Q. In any event, as I recall your evidence, on the evening when Feeley appeared at Wright's house you had secreted yourself in some part of the house in order to overhear the conversation?

A. I went into the stairway and I think Feeley only came to the door. I don't think he even came into the house, if I remember rightly.

Q. In connection with the evidence you gave at page 2830, you said at the bottom of the page, line 25:

"A. Yes. I have a dairy notation "on September the 28th of 1954, which "reads as follows:

" '6:30 p.m. to 9:30 p.m. at

" the residence of P.C.Wright;

" same to be contacted by

" Vincent Feeley, re damage

" done to Wright's car by

" Feeley the previous night.

" Feeley arrived approximately

" 8:15 p.m.; offer of 200

" dollars made as settlement.

" Wright to advise Feeley of

" amount of damage and Feeley

" will contact again.'

"Q. Did you know who Vincent "Feeley was?

"A. Yes, sir, I did.

"Q. And what his occupation was?

"A. Yes I did.

"Q. And then, what further personal "knowledge did you have about the "settlement of these damages?"

And, then, you go on to what occurred afterwards. Now, did you have any personal knowledge of the offer of $200 as a settlement made by Feeley to Wright?

A. No. I believe this is what Wright told me.

Q. As a matter of fact, you did not hear that conversation at all?

A. No, I didn't hear the conversation. When he came back in I believe this is what he told me.

Q. As a matter of fact, evidently that conversation took place either on the street or in Feeley's car?

A. I believe it was on the --

Q. And you were not in a position to hear it?

A. -- front veranda. That house is very close to the sidewalk and it was either on the front veranda or immediately off the front step. I seem to recall my having gone into a glassed-in sunporch over the main veranda for the purpose of trying to actually see them and it was close enough I couldn't see them.

Q. In any event, you did not hear any offer of $200 being made?

A. No. This is what Wright told me.

Q. When did you first go to Chatham,

Mr. Shrubb?

A. I went to Chatham in about February, February of 1949.

Q. And you stayed there until when?

AA/2

A. I stayed there -- I carried out duties there until April 1st of 1954.

Q. During the time that you were in Chatham I understand you became acquainted with Mr. Donald Lloyd, who runs the Lloyd Bag Company there?

A. Yes, I did.

Q. And I believe Mrs. Shrubb was employed by that company?

A. Yes.

Q. For some period of time?

A. She was, yes.

Q. How was it you became interested in the Town House in Chatham?

A. He employed her there.

Q. As what?

A. To manage the place.

Q. And did both you and your wife live there?

A. We lived there.

Q. What type of an arrangement was entered into, was it a salary arrangement or a profit arrangement?

A. No, it was a salary arrangement for her. It was a business deal between him and her and I had no part of the arrangement or

any part of the proceeds from it.

Q. And you had no part of the management?

A. No, I didn't.

Q. This was a matter your wife handled entirely?

A. Yes. He was there constantly.

Q. And she was there constantly?

A. Yes, she was.

Q. As a matter of fact, did not this arrangement come about as a result of a request made by you and Mrs. Shrubb to Mr. Lloyd?

A. No, I don't believe that.

Q. This was something that flowed or emanated from Mr. Lloyd?

A. As I recall it he kind of got caught in a spot by one of his previous -- the woman who preceded my wife there. I don't know her name. I don't know her but she was there by herself and managed the place and it was an on-the-spot arrangement when he discharged her and he happened -- He came to our house that night and he was looking for somebody to run it. We never felt he would ever consider it because he didn't seem to be interested in children, either personally or to have them around there. So, this didn't --

Q. This was at the request of Mr. Lloyd and your wife decided to take the job?

A. Yes.

Q. Was that a profit-sharing or salary arrangement?

A. It was a salary and, as well, meals were served. She had the benefit of any profit there may have been from any meals she may have served, which was only a spotty thing.

Q. How much was the salary?

A. I believe it was $125 a month, if I am not mistaken.

Q. Plus a place there for the pair of you, where you stayed?

A. Yes.

Q. And your meals in addition to that?

A. Well, we had to supply our own meals.

Q. Subsequently I understand that you became interested in perhaps going into private business, in the hotel business, did you not?

A. I would say maybe I did a bit of talking. Lloyd, himself, was quite a boy to talk business. He was a man, perhaps, in a position to talk business.

Q. Let me ask you --

A. Moneywise I couldn't have bought a penny stamp, hardly.

Q. What were you making at that time?

A. Oh. I believe my salary was when

I joined the Force in 1949 was about $1,700 a year.

Q. Yes?

A. And this, when we went there, was the latter part of 1952, I believe. December of 1952. And what salary increases there was over that short period of time I don't know and I don't know what my salary would -- It wouldn't have been too much more. It wouldn't have been any more than a couple of thousand dollars a year.

Q. You would not have been making more than $200 a month on your salary, which would be $2,400 a year?

A. I doubt very much if I would be.

Q. Your wife was making $125 a month?

A. That is right.

Q. So you would have in the neighbourhood of $300 a month?

A. That is right.

Q. What type of car were you driving in 1953?

A. I bought a car after we went there.

Q. What kind?

A. A 1953 Meteor.

Q. Was that paid for completely or was it financed?

A. No, it was financed. I didn't

have a penny to put down on it.

Q. In 1954 you left Chatham?

A. Yes.

Q. Did you buy another car in 1954?

A. No, I didn't.

Q. In 1955?

A. No, I didn't.

Q. Did your wife buy a car?

A. No, she didn't. There was never another car in the family until 1960 when I had gone to Peterborough. As a matter of fact, my oldest son still has the 1953 Meteor.

Q. Well, now, my information is that during the time that you were there and your wife was managing the Town House that you approached Mr. Lloyd for financial backing in order to purchase the Tilbury Hotel?

A. No, this is not right.

Q. That is not correct?

A. No, no. He got awfully interested over the Tilbury Hotel. He figured he had a buy in it. He was looking for somebody to run it, and I wouldn't say I was above looking to better myself if I could.

Q. That would, of course, require you to leave the Police Force?

A. By all means, it would.

Q. And was there not some discussion at that time that a $10,000 down payment was needed for the purchase of the hotel?

A. No, that is not a fact. He was very anxious to -- As I say, he felt there was a buy there, and maybe there was. He felt that I could almost turn any place and borrow ten or fifteen thousand dollars, or someone back me for ten or fifteen thousand dollars for my part so that I would have some working money into it.

Q. Why would he think that?

A. I don't know. You would almost have to talk to this man - maybe you have - to understand why he would talk like that.

Q. He had some idea you could borrow ten or fifteen thousand dollars?

A. No, he couldn't possibly have that idea, although he talked about it. I knew it was an impossibility for me to get that amount of money, or even a thousand dollars.

Q. Did you not later approach him about a proposed purchase of a local service station?

A. No. Well, now, I can't say "no" entirely. While I was in Chatham I used to work part-time at a service station there. The fellow who owned it, he wasn't an old fellow but he was a fellow who needed -- he wasn't a young man, let us put it that way, he wasn't as spry as he might have been, and he was a mechanic and he wanted somebody

who could, perhaps,look after the front part of the station and he, in turn, would bide his time in the racks and in the pit, or doing mechanical work, and what-not. And, through my working there, it was thought maybe we could make a go of it, the two of us, in a partnership or, being interested parties, we would know where the money was going. And, there was a time maybe this was -- would be a better move for me. And I had no money and I had asked Lloyd if he would consider backing me for my share. I didn't have a penny.

Q. You, then, had some experience in the operation of a service station?

A. But very little.

Q. Very little. I gather you were prepared to learn and learn more about it?

AA/3

A. I was looking to better myself and I hoped this was a business that didn't require too much to get started. I was benefitting by his experience and I was prepared to put my, then, youth and le[illegible]him keep charge of this.

Q. You had some experience and, secondly, you had the opportunity of going into the service station business; thirdly, you needed financial backing in order to do it. Is that correct?

A. Absolutely. I didn't have that

financial backing.

Q. And, fourthly, if you had the financial backing you would want to go into the service station business and that would mean you would have to leave the Force. Is that correct?

A. I would probably have to leave the Force, yes.

Q. I think that is a fair assumption?

A. I would say yes, on the basis on which he was prepared to take in a partner.

Q. So, you were not adverse to bettering yourself, the Force did not mean that much to you if you could get into the service station business?

A. It is human nature to try to better yourself. Actually, at that same time I wasn't so sure I wanted to do it and, after looking over the financial statement, and what-not, I just couldn't be sure where it would be beneficial either to be even into it and, then, with the type of work.

Q. You thought enough of it at one time you were prepared to leave the Force to go into it and you approached Mr. Lloyd for financial backing?

A. I have been enthused about many things.

Q. And this was one of them?

A. Yes.

Q. And this was one of them?

A. Yes.

Q. And you were not adverse to approaching Mr. Lloyd for financial backing?

A. If I could better myself, I would have left the Force.

Q. How do you justify the position in your report of September 18, 1956 - this is Exhibit No. 112 and 113 together, Mr. Commissioner - when Feeley discussed with you the service station business and the last sentence in paragraph 12 at the end of your report concerning this business of going into the service station business, you said;

"It seems almost ridiculous to
"think of making a change of
"this sort."

A. Yes. That doesn't sound ridiculous to me. Long before that time I was satisfied the service station business was not one of these things I wanted to pursue.

Q. Well, after you had come to Toronto had you given up the idea, then, of going into any other type of business and deciding to make police work your life career?

A. It would have to look a whole lot better than any service station looked to me, to cause me to make a change. This is where I had received my first promotion and I had contented myself I was goingto make --

Q. I wonder if what you say in your report of September 18, 1956 is correct?

I wonder where Feeley got the idea you might be interested in a service station business.

A. I would say I had some pretty good friends who had been talking to him.

Q. Pretty good friends?

A. Maybe they weren't good friends; maybe some friends were talking to him about me.

Q. You just met Feeley at the Cockeville Club?

A. Yes.

Q. When did you first meet him?

A. It would be some time in 1954, right after I came to the branch.

Q. As a matter of fact, did you not have some discussions with him at the time about the possibility of you going into the service station business?

A. I would say no. The only discussion I ever had was the time mentioned in that report, and I think there was a time after that maybe that I may have chided him a bit about the service station, or something like that; but, for me to have discussed service stations at the club with him, I would say no, absolutely no.

Q. You would say no prior to the time that he spoke with you in 1956 or subsequent

to that, that he mentioned it at the club?

A. No, I would have no reason to even talk service station with him prior to what is contained in that report. As I say, I may have chided him a bit about it.

Q. Your explanation, then, would be that some friend of yours must have mentioned it to him, or somebody you thought was a friend?

A. Somebody has been good enough to tell him I was at one time interested in the service station. I think that is probably as close to it as you could come.

Q. Did you not, as a matter of fact, also offer to purchase the Town House from Mr. Lloyd and offer him $5,000 for a down payment?

A. I don't know where I would have got $5000.

Q. Did you say that to Mr. Lloyd?

A. I would say that there was times when we lived there, when the wife worked for him, that he talked a great deal about the sale of the Town House and he was prepared to sell it for, I would say, a substantial amount with a very small down payment. I never could see where it was -- where it would be a sound investment. I had no money to put into it, and certainly to pay any price that he wanted to talk about was out of

this world.

Q. I see. You did not offer to make him a $5,000 down payment?

A. I didn't make any offer. There was talk, yes, but as far as making the offers I couldn't offer him anything. I have told you that I didn't have any money.

Q. Let me ask you this, Mr. Shrubb. During the year 1956 were you aware of the fact that your wife was acquainted with Vincent Feeley?

A. Absolutely not.

Q. You had no indication whatsoever?

A. None whatsoever.

Q. I see. In 1957?

A. No, sir.

Q. 1958?

A. No, sir.

Q. '59?

A. No, sir.

Q. There was --

A. Not until this inquiry commenced.

Q. There was nothing that would arouse your suspicion of that?

A. No, sir.

Q. And you never discussed the matter with anybody in 1956, as to whether or not your wife was seeing Vincent Feeley?

A. Absolutely not. That is just a dirty insinuation.

Q. What?

A. Just what you said.

Q. That you discussed it in 1956?

A. No.

Q. I just merely asked you if you discussed it with anybody in 1956?

A. I say I hadn't.

Q. I do not see where the insinuation is? I asked you the question. Accordingly, at the time you made this report - I would gather that is on September 18, 1956 - at the time you made this report that you had nothing personal against Vincent Feeley. Is that correct?

A. Nothing personal, no. I always looked at it that he was a gambler and he was doing, perhaps, what he thought was right in life and I was a policeman and I was doing what I thought was right.

Q. I am not asking about your respective occupations, I am saying you had nothing personal against Feeley at the time you made this report in 1956?

A. No, other than --

Q. You would have no reason?

A. No.

Q. I suggest to you when this question of the service station came up youtold Vincent Feeley he should go and see Deputy Commissioner Bartlett, who had influence with the Minister

of Highways, and might do something?

A. That is an absolute falsehood. I never at any time ---

Q. That is your answer?

A. Yes.

THE COMMISSIONER: Let him answer, Mr. Rose.

MR. ROSE: Q. Are you finished?

A. Yes.

Q. There is no doubt about it, you did discuss at home the offer of Inspector Stringer to have you transferred to the Peterborough district?

A. Yes, the whole household and family was affected by something of that nature.

Q. And, certainly, you would discuss at home the fact of the possibility of your being appointed to the City of Peterborough Police Department. You discussed that at home, did you not?

A. Oh, naturally, I spoke about that. Wait, now, when I went there for my appointment.

Q. Certainly.

A. Certainly.

Q. That would be a matter normally to be discussed at home?

A. Why, absolutely.

Q. Let me ask you this in respect to your work in Toronto on the anti-gambling

squad: Did you keep a typewriter at home?

A. I didn't keep one, no.

Q. Did you ever have one at home?

A. I used to take a typewriter home from the office on the weekends to catch up on some of my telephone work.

Q. Did you ever make a report at home?

A. No.

Q. At no time?

A. No, I don't believe I did.

Q. Did you ever bring a report home in your briefcase?

A. That's hard for me to say, that I never took my briefcase into the house when there wasn't a report in.

Q. Did you never bring work home from the office?

A. Yes, I took work home from the office but it was almost entirely what I call telephone work. It was keeping up to date on telephone -- a record of telephone numbers filed numerically, which I found to be of benefit to us in seeking out bookmakers, but the rest of my work I didn't, I did it at the office.

Q. When you were on the anti-gambling squad I presume sometimes you were on duty in the night?

A. Yes.

Q. And in the morning?

A. A great deal of the time we worked when there was work to be done, and that was twenty-four hours a day.

Q. When you were on that squad did you usually carry your police diary with you?

A. No, never. My diary was always in my desk at the office.

Q. You never took your diary home at any time?

A. No. You are probably going to refer to what has been referred to as the special diary. That was kept at home but my daily diaries were kept at the office.

Q. The special diary, that was kept at home?

A. Yes.

Q. The confidential report you made the Commissioner on September the 18th, where did you type that out?

A. The confidential report?

Q. The one you gave a copy of to Sergeant Andersen?

A. Of what date?

Q. September 18, 1956. That is the one concerning Feeley.

A. I would say it was made at the office.

Q. At the office?

A. Yes. The reason I say that, because I didn't make my reports at home.

Q. You gave one copy to Anderson?

A. Did I give one copy ---

Q. Yes.

A. Yes, I did.

Q. What did you do with the other copy?

A. I kept a copy myself stapled in my diary.

Q. Which diary?

A. In my regular daily diary.

Q. You did not staple that in your special diary?

A. No, I didn't start to keep a special --- what is referred to as a special diary until about well on into 1958.

Q. Now, during your evidence, Mr. Shrubb, evidently during two of the telephone conversations that you had with Feeley, you recorded them and those transcripts were filed as exhibits?

A. That is correct.

Q. Where are the tapes for those transcripts? Do you still have them?

A. No, I haven't. I turned the -- Once they were transcribed I turned the tapes back to Sergeant Anderson.

Q. Are they still available?

A. I don't believe they are but you

would have to ask Sergeant Anderson that.

Q. Did you tape any other conversations you had with Feeley on the telephone or in a car?

A. No, I never.

Q. Those are the only two?

A. That is all.

Q. The only two recordings you made and they are not available. Is that correct?

A. Not on the tape, they are not.

Q. I believe in your evidence you also mentioned you had reason to believe that during the raids on Cooksville, the Centre Road Veterans Club, certain persons were taken to Brampton?

A. That is right.

Q. And the Attorney-General, or somebody from the Attorney-General's Department, phoned to Brampton and stopped the questioning. Do you recall giving evidence of that nature?

A. I recall Mr. Davis was to call the Attorney-General's Department; that was my evidence.

Q. Where did you get the information that orders were given to stop the questioning? Is that something you assumed?

A. Mr. Davis said --

Q. I suppose you have been reading the papers and you know Mr. Davis denied he received instructions from the Attorney-General

to stop questioning the people.

A. I was in the court when Mr. Davis testified.

Q. You do not agree?

A. I am just as sure of what I say as he is of what he has said.

Q. You gave certain information, did you not, to Mr. Gordon Ford, the special prosecutor, when appointed in the first trial of Feeley and McDermott?

A. Yes, I did.

Q. And during the course of your investigation you gave certain information to the Attorney-General's Department in preparation for that trial?

A. I never gave anything to the Attorney-General's --

Q. Not to the Attorney-General's Department?

A. No.

Q. You gave information to the Commissioner or the Ontario Provincial Police?

A. I submitted a confidential report to Chief Inspector Graham.

Q. Insofar as your reports are concerned, or the contents of your diary, have you, prior to the appointment of this Royal Commission, communicated their contents or any part of their contents to any person aside from the proper authorities?

THE COMMISSIONER: What is that question?

MR. ROSE: Perhaps the Reporter would read it back.

Never mind reading it back.

Q. Prior to the appointment of this Royal Commission did you give any of the information contained in your diaries --

THE COMMISSIONER: Contained in his diaries, plural?

MR. ROSE: Q. His diaries, or any information that was the subject of confidential reports to the Commissioner of the O.P.P. to any other person except to the Crown prosecuting Feeley and McDermott, or to the O.P.P.?

A. That's a particular person?

Q. Who have you given the information to, aside from Mr.Ford and the O.P.P.?

THE COMMISSIONER: Q. Who, if anybody?

A. You mean, the subject matter of my reports, and what-not?

MR. ROSE: Q. Yes.

A. I say nobody.

Q. No?

A. No.

Q. All right, thank you.

THE COMMISSIONER: Any questions from other counsel?

MR. ROSE: I wonder if I might be excused?

I have been called.

THE COMMISSIONER: Yes.

---Mr. Rose leaves the hearing room.

THE COMMISSIONER: That is all, thank you.

---The witness withdrawn.

MR. WILSON: Chief Inspector Graham.

THE COMMISSIONER: Read me, Mr. Reporter, the last question Mr. Rose asked.

Mr. Wilson, pay attention to this question, please.

MR. WILSON: Yes.

THE REPORTER: "Q. Prior to the "appointment of this Royal "Commission did you give any of "the information contained in "your diaries --

"THE COMMISSIONER: Contained in "his diaries, plural?

"MR. ROSE: Q. His diaries, or "any information that was the "subject of confidential reports "to the Commissioner of the O.P.P. "to any other person except to "the Crown prosecuting Peeley "and McDermott, or to the O.O.P.P.?"

THE COMMISSIONER: That is the all the O.P.P., according to that question.

MR. WILSON: I do not know whether the witness understood that question. I told him to think it over and when I am through with this witness, who will be very brief, I was going to recall him.

HAROLD HOPKINS GRAHAM, Recalled

EXAMINATION BY MR. WILSON:

Q. You have already been sworn in this matter?

A. Yes, sir.

Q. In 1960 did the Ontario Provincial Police have any trucks they used in the course of their police work?

AA/5

A. Yes, sir.

Q. Did it include any panel trucks in 1960?

A. Yes, sir.

Q. We have heard of a witness, McGroarty, talk about a green panel truck, a Pontiac.

A. Yes, sir.

Q. Is there, or was there at that time in use by the Force a green Pontiac panel truck?

A. Yes, there was, sir.

Q. What, briefly, were the particulars of that truck?

A. This was a 1955 Pontiac panel truck, Lido green, L-i-d-o green, which is a very light green, and it was used by the anti-gambling branch, the anti-higrade branch and the liquor control branch. According to our records beginning in May of 1958.

Q. Did former officers Lawrence

and Lamorie have the use of this particular truck on occasion?

A. Yes, sir.

Q. And you examined -- You keep a record of the use of these various vehicles?

A. Yes, we do, sir.

Q. Including this particular truck. Do I understand that, as a result of a search of these records, you have brought here two sheets dealing with the use of this particular truck by Lawrence and Lamorie, the first of which is dated January 26th, 1960?

A. Yes, sir.

Q. Now, this is headed, "Ontario Provincial Police - Headquarters Garage", and it is for January the 26th, 1960. Now, where do we find a reference on that sheet to this particular truck?

A. It is listed "Make of Vehicle - Pontiac truck".

Q. It is the second item on this sheet?

A. Yes.

Q. Just give the particulars.

A. The file number assigned to this vehicle is No. 93. It indicates that it was signed out at 10:40 a.m. on January the 26th, destination is listed as "district", which means any district outside of Toronto. Time in is listed as 9:30 p.m. It was on the

authority of Sergeant Anderson and the driver's signature is W.C. Lawrence.

Q. I show you Exhibit No.175, which is Lamorie's diary for 1960, under date of January the 26th, and there appears this notation:

"10:30 a.m. enroute to Fort Erie
"with P.C. Lawrence re observation
"of alleged betting activities
"at the Anglo-American and King
"Edward Hotels. Also a premises
"at 179 Niagara Street.
"6:15, enroute Fort Erie to Ridgeway
"re contacts of alleged betting
"in St.Catharines. Returned
"to Toronto and off duty 9:30 p.m."

And, for the same date, in Lawrence's diary for 1960, which has not been placed in evidence, and which you identify as being his diary?

A. Yes, sir.

Q. And which we will mark as Exhibit No. 199, there appears this notation under date of January the 26th:

"9:05 a.m. to 10:30 a.m., general
"office duty.
"10:30 a.m., enroute to Fort Erie
"with P.C. Lamerie re observations
"of alleged betting activities at
"the Anglo-American and King Edward

"Hotels, and also a premises
"at 179 Niagara Street.
"At 6:15, Port Erie to Ridgeway . . ."
A. ". . . re contact for
"information gambling and
"betting."
Q. ". . . re contact for
"information re gambling and
"betting.
"7 p.m., enroute to Toronto and
"off duty at G.H.Q. at 9:30 p.m."
Now, the next -- That is the only reference on that sheet, I take it? You have another sheet where this truck was used by Lawrence and Lamorie, and that is March the 2nd, 1960?
A. Yes, sir.
Q. Will you give us the particulars of that particular use of that truck on that date?
A. Yes, sir. It is recorded on the garage ledger sheet as Pontiac, file No.93, time out 7:30 a.m., destination is district, and time in 11:00 p.m. Authority of Assistant Commissioner Kennedy. And the driver's signature is W.C. Lawrence.
Q. Now, looking at Exhibit 175, Lamorie's diary for that date --
MR. BREWIN: Would you mind repeating that date, please?

MR. WILSON: March the 2nd, 1960.

Q. In Lamorie's diary under that date:

"8:00 a.m., enroute with P.C.
"Lawrence, Toronto to Port Erie,
"attend Magistrate Court re
"D. Fournier & W. Legland,
"charged sec.177 C.C. and
"173 C.C."

I think the next few lines are not particularly important.

"To Niagara Falls, observation
"of alleged betting houses,
"710 Bridge Street and 350 Third
"Avenue. Returned to Toronto
"and off duty at 11 p.m."

Then, in Exhibit ~~1966~~ 199, the Lawrence diary, for that date, March the 2nd:

"8 a.m. on duty in Toronto and
"enroute to Port Erie with P.C.
"Lamorie to attend court re
"M. Thompson."

Then follows the numbers of the charges.

"6 p.m. contact P.C. Ron Guerling,
"Niagara Falls department, re
"information of alleged gaming
"in Guelph. Following that,
"8 p.m., observation of alleged
"betting houses at 350 Third
"Avenue and 710 Bridge Street,

"Niagara Falls.

"11 p.m. off duty in Toronto."

---EXHIBIT NO. 197: 1960 police diary of ex-Constable Lawrence.

(Page 7630 follows)

MR. WILSON: The two sheets of January the 26th, 1960, and March the 2nd, 1960, will be Exhibit 200.

---EXHIBIT NO.200: Headquarters Garage Sheets dated January 26th, 1960 and March the 2nd, 1960.

MR. WILSON: In this entry in Lawrence's diary, March the 2nd, Mr. Carter points out, there is a notation which is out of order here, in point of time. It is for 2:00 p.m.:

"Contact Bell Telephone Company

"personnel in St. Catharines

"re alleged betting."

That particular entry follows the 6:00 p.m. entry. In other words the 6:00 p.m. entry appears, and immediately below is the 2:00 p.m. entry for St. Catharines -- or, at least, for St. Catharines to contact the Bell Telephone Company, and then that is immediately followed by the 8:00 p.m. entry.

THE COMMISSIONER: Which is that, which diary is that?

MR. WILSON: In Lawrence's diary, Exhibit 199.

That is all, thank you.

THE COMMISSIONER: Q. Just a moment. Were there any markings on this truck, Mr. Graham?

A. No, sir, there were no markings on the truck, except a small cardboard or, in some cases, an officer wrote in crayon, the name and address, a name and address. The name and address would always correspond to the area in which they were doing any work. If they were in the Niagara Falls area, the address would be the Niagara Falls, or when in St. Catharines or Welland, and they all said that accordingly. There were no identifying marks. No one would know it was a Provincial Police vehicle.

Q. The cardboard that you speak of?

A. That would have a ficticious name and address.

Q. That would have a ficticious name and address. Thank you. That is all.

MR. BREWIN: May I ask - - - -

THE COMMISSIONER: I beg your pardon, Mr. Brewin?

MR. BREWIN: I want to follow this, Inspector Graham. Mr. McGroarty told us that sometime in the winter of 1960 he received a call from Lamorie that there would be a 1958 green Pontiac panel truck parked outside the Garden City Cleaners in St. Catharines, and got that message sometime after supper time.

This is page 7197 of the transcript. First of all, can you tell us, the police trucks, that was a 1958 green panel truck?

A. No, it was a 1955 truck.

Q. A 1955 truck. It was a Pontiac?

A. Yes.

Q It was a panel truck?

A. Yes.

Q. It was not apparent that it was - no one would know from looking at it what it was?

A. That it was a police - - -

Q. That it belonged to the Ontario Provincial Police?

A No, sir.

Q. You gave us entries for two days, January the 26th, 1960 and March the 2nd, 1960. Mr. McGrearty told us that he saw both Lawrence and Lemerle on this occasion/ -- I think at the restaurant on this occasion. Now, do these two entries indicate that these two men were in St.Catharines on the evening of either January the 26th, or March the 2nd?

A. Yes, they indicate they were in it, or through it.

Q. And with this green panel truck?

A. Yes, sir.

Q. I see. So, on this evidence you have now given. The record you have given now, it indicates that Mr. McGroarty might have been quite right in saying that he saw Lawrence and Lamorie there, and with this green panel truck and as far as we can tell that panel truck was in St. Catharines on that evening, this winter evening?

A. That is consistent with it.

Q. Would it be either of those two dates?

A. Yes.

Q Thank you, very much.

MR. WILSON: Q. Can you tell us whether or not a Pontiac panel truck, a 1955 or 1956 were similar -- were they similar in appearance?

A I cannot, I cannot say. Certainly, I believe they would be similar in appearance. All panel trucks have very little change in them.

Q. That is all, thank you. That is all.

THE COMMISSIONER: That is all, thank you.

---The witness retired.

MR. WILSON: I will recall Chief Constable Shrubb.

WILLIAM JACK SHRUBB, resumes the stand.

MR. WILSON: Q. We want to be very clear about your answer to the last question Mr. Rose put to you.

A. Yes, it caused me concern.

Q. And what his question involves is an inquiry as to whether or not you gave any of the information contained in the report that you had made prior to the date of this Commission getting under way, to any other person, other than some official in some office of the O.P.P., or Crown Counsel?

A. I would say this: There was one magistrate in the Province that I had a great deal of confidence in long before I came to Toronto, and some times, when I was concerned, I would talk to him, and on a strictly confidential basis. I had every trust in him.

I would say that we worked a great deal with Municipal departments. We worked, - the majority of our work was with them, and at times, perhaps when encountering difficulties, or something of that nature, which seemed to

be contrary to our work, I would not have spoke of - some parts of, what seemed to be something that was upsetting our work - and something that was contained in those reports. Many times we received information from those senior officers that we were working with in the municipalities, and what not, and sometimes when sitting down and discussing the pros and cons of gambling activities - I would not say there was no time when I made reference to some part of it, but what part I do not know. I do not know where to start and say I told this to this, or that to that, or anything else. That is not beyond a possibility. I might have mentioned some part of it.

Q. Do you want the name of this Magistrate, Mr. Commissioner?

THE COMMISSIONER: I do not know whether any significance attaches to it.

THE WITNESS: Shall I write it down?

THE COMMISSIONER: Yes, write it down. I do not have a piece of paper -- just write it here.

MR. WILSON: It may be, after we speak to this Magistrate, we can decide whether or not the name should be disclosed publicly.

THE COMMISSIONER: All right.

MR. WILSON: Q. At any time prior

to this inquiry being set up, this Commission being set up, did you speak to reporters about any of the facts you had set down in any of these reports, confidential or otherwise?

A. That is hard to say. I have had reporters coming to me, and talking to me - as far as laying on a story to them, or something like that, I didn't do it.

And, you might say, prior to the Commission being called, let me put it in the period between the time the Commission was called and when I left the O.P.P., I was getting away. This thing here was becoming history to me, It was something I had experienced and it was on its way out. So, that I never talked to anybody -- I can't say that I never talked to anybody.

Q. What is the earliest date that you might have talked to somebody about what, other than Crown Counsel or right people in the O.P.P., members of the Force, what is the earliest date you might have discussed any of the contents with any outsider?

A. I would not venture a guess.

For a long time when this happened, for a long time afterwards I was the one, or my superior, Sergeant Anderson.

Q. I appreciate that. Is there any possibility that you spoke to any outsiders

before the first preliminary - - -

THE COMMISSIONER: I was going to suggest before Wright's arrest.

MR. WILSON: Before Wright's arrest, yes, May 28th, 1960, as a starting point?

A. I do not know. You see, when Wright's arrest came, that is a year and a half after I left the O.P.P., and my experience - I was not any longer there, so all that work was gone by, had gone by.

Q. I will give you another date, March, 1957, the preliminary of the hearing of the first charges against Wright, McDermott and Feeley. Did you discuss - - -

MR. BREWIN: 1957?

WITNESS: You said March, 1957?

MR. WILSON: Q. 1961 is what I should have said. March, 1961.

A. That is difficult for me to say. I do not know.

Q. You seem to be a little vague?

A I am not being intentionally vague, sir.

Q. Did you talk to Mr. Greer sitting over here at this table, for instance?

MR. BREWIN: At what time?

MR. WILSON: At any time prior to December of 1962, when this Commission was set up -

my years are bad this afternoon - 1961?

A. I do not know.

Q. December, 1961?

A. I do not know. I do not seem to recall seeing Mr. Greer prior to coming here. Maybe I saw him down in headquarters, I am inclined to say no, I am inclined to say no to that question. I certainly do not remember.

Q. Well, at all events, you do not remember?

A When I xxxy say I do not remember, I am not tryingto evade. If I did something, I did it.

Q. You have been so exact with some things that havehappened so many years ago.

A. I was assisted by some notes that I have got as far as that is concerned.

Q. That is true. As far as you recall today, prior to December of 1961, you have no recollection of having divulged the contents of any of those reports, confidential or otherwise, to any outsider?

A. I would not say I never talked on some part of it to somebody. I would not deny this. This all started to become history to me. If it is contended in any way.

MR. BERLIN: Well, to stop beating around the bush, did you convey any confidential

information to Mr. Greer who is sitting here, at any time?

A. I am inclined to think no. I have been around talking to people here - - - -

Q. I do not mean any discussions since the Commission sat, I mean before?

A I don't think I knew him, or saw him before.

Q. Or any other reporter from the Globe and Mail, did you pass on any knowledge?

A. I say this: There have been reporters who have come to see me when it was suggested that maybe there may be some further proceedings, and my answer to them was either to talk to Chief Inspector Graham , that I am involved, and it is best to say nothing.

Q. Mr. Shrubb, my recollection of Mr. Winterneyer's speech, that started this thing off to some extent, or was partially responsible for this Commission, there was some reference to information that apparently came from you. Did you convey that to Mr. Winterneyer directly?

A. No, sir.

Q. Or indirectly to him?

A It may have went in indirectly, but not from me.

Q. But not from you. Not to

your knowledge?

A. Not to my knowledge, certainly.

Q. You do not know how it did reach him, and you say you gave him no confidential information to him because we are going after this business?

A. If someone contends, is thinking, that I passed on a report, in the form of the confidential report for Inspector Graham, to Mr. Wintermeyer, the answer is definitely no. I thought someone was trying to suggest - - -

Q. Well, that is by Mr. Wilson.

THE COMMISSIONER: Mr. Wilson did not suggest anything. It was an inquiry from Mr. Rose that put the witness on the alert. Mr. Wilson was trying to block any gap. I understood his question.

MR.BERMIN: If he did not make the suggestion, there is nothing to be cleared. I do not understand the point of this questioning.

THE COMMISSIONER: I grasped it.

THE WITNESS: I am not politically inclined. I do not go to any political field for any purpose.

If that is what is asked, and meant, I can quite religiously answer. To say I never talked to anyone -- I cannot say that.

MR. CARLEY: I have one question

in re-examination.

THE COMMISSIONER: Well, I don't know. What is your question?

MR. CARLEY: I was going to ask the witness whether this reference was to other than casual conversations. Is it casual conversations that is giving him a vagueness or difficulty, ingiving an answer to that.

THE COMMISSIONER: All right. You may ask that. Ask that question.

THE WITNESS: I would say if any part was mentioned it was mentioned in casual conversation. I have mentioned that in talking with other chiefs.

MR. CARLEY: Q. Was there any conscious revelation of any substantial part of it on any occasion?

A. Well, I would say not to my recollection.

---The witness steps down.

MR. WILSON: That is all I have for you today, Mr. Commissioner. Possibly we can make some decision now about tomorrow and Monday.

THE COMMISSIONER: You can speak to

me in my room after we adjourn.

MR. BREWIN: I wonder, sir, after he has spoken to you - - - -

THE COMMISSIONER: You can come into the discussion, Mr. Brewin.

---Whereupon the hearing adjourned at 3:30 p.m.

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TUESDAY, JUNE 19th, 1962

--- On resuming at 10.05 a.m.

MR. WILSON: I will call Mr. Forrestal.

TOBIAS FREDERICK FORRESTAL, Sworn

EXAMINED BY MR. WILSON:

Q. You are a Crown Attorney for the county of Welland?

A. That is true.

Q. How long have you held that office?

A. Since January 1st, 1947.

Q. That takes in the Township of Bertie?

A. Yes.

Q. In which was situated a club which was latterly known as the Frontier Veterans Association Club?

A. I believe that is the name it went under.

Q. Are you familiar with the terms of reference of this Commission, with particular reference to the Attorney General's personnel?

A. I am not sure ---

Q. Maybe so there can be no misunderstanding I will read it. It is question 2.

"Any improper relationships as

"alleged by the Leader of the Opposition "in his speech of November 29th, 1961 "between senior officials of the legal "staff of the Department of the "Attorney-General and any person or "persons, and more particularly relating "to (a) termination of investigations, "(b) the suppression of evidence and "(c) the payment of money."

Now, first, in carrying out the duties of your office, I take it you did have contact from time to time with these senior legal personnel of the Department of the Attorney General ?

A. Yes, I did.

Q. In the course of your duties, have they at any time brought about improperly the termination of any investigation that was being carried out in your County?

A. No.

Q. Have those senior officials of the legal staff at any time, to your knowledge, brought about the suppression of evidence improperly in any case that was being prosecuted in your jurisdiction?

A. No.

Q. Have you any knowledge of any improper payment having been made to senior officials of the legal staff of the Attorney General by any person or persons?

A. No.

Q. Now, generally speaking, what has been your experience in your relations with senior officials of the Department of the Attorney General?

A. They have been most helpful and our relations have always been good. When I needed to consult counsel, they were always available and their counsel, in my opinion, has always been very good.

Q. Have they ever interfered in any way with the carrying out by you of your duties as Crown Attorney?

A. They have never interfered, one way or another, with my carrying out of my duties.

Q. Now, in cases involving -- or prosecutions involving gaming, have you any views as to the efficacy of a fine or a jail sentence versus a fine as a deterrent?

A. Well, I would suppose that perhaps a jail sentence would deter more than a fine, but certainly I think that a jail sentence in some cases would be quite inappropriate. In other cases, I think a jail sentence is the proper penalty.

THE COMMISSIONER: Q. In what sort of case would a jail sentence be inappropriate?

A. As an example, I suppose the prosecution of an individual who was a member of a service club that is carrying on an

illegal raffle. I would think that should be a fine rather than a jail sentence.

Q. Have you another illustration?

A. Oh, I suppose there is the illegal bingo, the little corner store that has a slot machine in it.

Q. Yes? Any other illustrations?

A. Perhaps -- of course, I think it is a case clearly for the Court to take all the matters into consideration that are behind the prosecution and the conviction, but perhaps a first offender of a very small operation ---

Q. A small operation of what type?

A. Of perhaps a small poker game, or perhaps even a crap game, a first offender. I don't think a large fine is any compensation for a jail sentence, but I think it should be a jail sentence, however.

MR. WILSON: Q. So far as the Frontier Veterans Association Club, which prior to 1957 was known for a number of years as the Canadian Merchant Navy Veterans Association ---

A. This is Bertie Township.

Q. So far as that club and its predecessors as it was carried on in the Township of Bertie, have you, in your observations of what was going on and your knowledge of the activities of the police, found that anybody was in any way interfering

with either the Ontario Provincial Police or the local municipal police in the carrying out of their duties?

A. I have no information of anybody interfering with them at all. I had heard rumours that certain representations were made to the Police Commission of the Township of Bertie but that did not cause any interference.

Q. We have already had direct evidence on those representations to the Police Commission.

A. Yes.

Q. I think that is all, thank you.

EXAMINED BY MR. MacKINNON:

Q. Mr. Forrestal, did I hear you correctly when you said a large fine was no compensation if a jail sentence was warranted?

A. Perhaps my wording was not good. I should have said, in my opinion, a large fine should not be imposed in lieu of a jail sentence.

Q. I understood you then correctly. Now, if they were the keepers of a substantial gaming establishment, would

you consider a fine would be appropriate for such keepers?

A. It would depend on what you mean by large and what the history was.

Q. Well, you were familiar with the Ramsay Club?

A. Very.

Q. Assuming there had been a plea of guilty, in such circumstances, would you have considered the keepers of that Club, knowing what you did about it, should have been sentenced to a term of imprisonment or a large fine?

A. I would have urged a sentence of imprisonment.

Q. I would have expected that. Now, just dealing with the Ramsay Club, did you handle the prosecution of that Club?

A. Yes.

Q. Or the people involved in it?

A. Yes, I did.

Q. Did you urge that an appeal be taken?

A. No.

Q. You did not?

A. No.

Q. You made no recommendation in that connection?

A. No, I made no recommendation. I did discuss it with Mr. Bowman. We both

concluded that it was a finding of fact, and therefore, an appeal did not lie.

Q. Apparently, from the evidence we have heard, you were involved in a sense in the allegations made by Mr. Fleming against -- who was a lawyer, I understand, in your area -- against Sergeant Anderson and also we understood there was some suggestion Mr. Fleming may have obstructed the police in executing their search warrant in his office. Were you familiar with either one of these incidents?

A. So far as being involved in them, I don't know just what you mean. But I knew of it. Reports were made to me of what went on at Mr. Fleming's office.

Q. Did you make any recommendation in that regard as to what should be done?

A. No, I don't think so. I ---

Q. Did you suggest -- I am sorry.

A. I suggested to Sergeant Anderson that he should take it up with a solicitor.

Q. With regard to an obstruction, if there was any, did you suggest a prosecution?

A. No.

Q. Now, Mr. Don Scott, he was or is what, the Assistant Crown Attorney?

A. Yes.

Q. Did you ever have occasion to

make an unfavourable, either oral or written, report on him?

A. In what regard?

Q. In any regard.

A. No.

Q. In connection with his drinking, shall we say?

A. I have discussed his drinking. Whether you call it unfavourable or not, I am not prepared to say. But I have certainly discussed it.

Q. With whom?

A. With Mr. Bowman.

Q. And there was no recommendation that came out of that discussion?

A. I am led to believe that Mr. Scott attended at the Parliament Buildings and discussed the matter with either Mr.Bowman or Mr. Common.

Q. Can you give me an approximate time on this?

A. I would think it was about a week ago.

Q. It is just that recently?

A. Yes.

Q. I see. What about two years ago or a year ago?

A. No.

Q. How did you have anything to do with ---

A-2

THE COMMISSIONER: Q. Just a moment. Has there been any change in his drinking habits within the last two years or three years?

A. That is a very difficult question to answer. He is ---

Q. I am just wondering.

A. In the last three or four months, he has been drinking. He has quit now and is satisfactory. Prior to that, for quite a long time, he hadn't taken a drink at all.

Q. What I had in mind is the discretion of those in the Attorney General's Department with reference to his drinking. Was that something that was brought about by reason of some sort of outbreak in the last two or three months?

A. Yes.

Q. Or does it relate to something two or three years ago?

A. Well, I suppose it relates back in the sense that he did drink some years ago.

MR. WILSON: Mr. Commissioner, I am very concerned about the private habits of Mr. Scott being aired publicly. I would ask you to have the press not report it because it does not seem, at the moment, to have any direct relationship to any of

the terms and matters covered by the Terms of Reference.

MR. MacKINNON: I was directing my questions to a year and a year and a half ago. I didn't know anything about this recent episode.

THE COMMISSIONER: Let me address myself to the press. I suggest, in all fairness, just make no reference to the evidence with respect to some drinking habits that someone has recently developed and perhaps changed his ways. It would not help a bit.

MR. MacKINNON: Q. Mr. Forrestal, with regard to the Ramsay Club charter, did you have any part in the attempt to secure its return or its delivery up?

A. Cancellation?

Q. Yes.

A. No.

Q. Were you of the opinion that this charter was being used to cloak illegal gaming activities?

A. That was my belief.

Q. Now, with regard to pinball machines, did you, first of all, give any instructions to Sergeant Anderson as to what he should do about these machines under the Criminal Code in the Niagara area?

A. I don't recall having given

him any instructions. I discussed the matter with him that time that the local Police were rounding them up and putting them out of business.

Q. Did you receive any instructions from the Attorney General's Department as to what you should do about these machines?

A. No. We received a complaint from a labour organization about their operation and, as a result of that, I instructed the police to investigate and if there was any, to prosecute them.

Q. You can't remember any particular discussion you had with Sergeant Anderson with regard to these pinball machines?

A. No.

Q. No?

A. No. I probably discussed them with him, but the nature of it, I have no recollection.

Q. Excuse me a moment. That is all, thank you.

MR. BRENIN: No questions.

MR. ROSE: I have no questions, thank you.

--- The witness retired.

MR. WILSON: Call Mr. McCulloch.

HARVEY McCULLOCH, Sworn

EXAMINED BY MR. WILSON:

Q. You are theCrown Attorney for the County of Wentworth?

A. I am.

Q. How long have you occupied that position?

A. Twenty-two years, and seven years as an assistant.

Q. You have had twenty-nine years experience in the ---

A. Since 1934.

Q. You are familiar with the language of Question 2 of the Terms of Reference in this Commission?

A. If you could refresh my memory ---

Q. It reads as follows:

"Any improper relationships as alleged..." that is, the Commissioner is directed to inquire into:

"Any improper relationships as alleged "by the Leader of the Opposition in "his speech of November 29th, 1961, "between senior officials of the "legal staff of the Department of the "Attorney General and any person or "persons, and more particularly "relating to (a) the termination of "investigations, (b) the suppression

"of evidence, and (c) the payment
"of money."
Now, first, in carrying out your duties over this period you have mentioned, have you ever had any senior officials of the legal staff of the Attorney General in any way improperly bring about the termination of any investigations which were being carried on through your office?

A. Never.

Q. And have you ever, during that same period, had any of the senior officials of the legal staff of the Attorney General's Department bring about or attempt to bring about any improper suppression of evidence in any case you were prosecuting on behalf of the Crown?

A. Never.

Q. And had you any knowledge, during this same period, of any improper payment of money to any of the senior officials of the Attorney General's Department by any person or persons?

A. None.

Q. And generally speaking, what has been your experience in dealing -- in the course of carrying out your duties -- with senior officials of the legal staff of the Attorney General?

A. No criticism to offer.

Q. And during the same period, have you had any interference from any of these officials in carrying out of your duties?

A. None.

Q. The problem of the proper sentence comes within the ambit of this Commission and I would like to have the benefit of your opinion as to the efficacy of a jail sentence as opposed to a fine in gaming offenses?

A. Well, it depends so much upon what you mean by efficacy. In my experience, there are people who would commit this type of offense and yet be deterred very much by a mere word from an advisor, for example. Others probably require a word from a police officer. Others require probably the threat of prosecution. Others require merely the hearing in court, I would think, and that is the end of them. But then there are -- in other words, lenient treatment, I think, deters the timid but there are people who just are not deterred by any treatment.

Q. Possibly my question should have been directed to the hard core of individuals who are involved in this type of activity.

A. Well, my suspicion is that they are just not deterred by any treatment.

They go on.

Q. Be it fine or jail sentence?

A. They go on. Of course, their counsel always fights the jail sentence in my experience, and therefore, the counsel must feel a fine is much more lenient treatment than jail, and I would think so personally if I were involved in that way.

(Page 7660 follows)

B/1/BC

Q. The reason I put to you ---

A. You used the word efficacy, if you mean deterrent effect ---

Q. Yes, the deterrent effect.

A. Well, over the years, I recall that Magistrate Burbridge, who had many years, of many years experience, I recall that he used to argue with counsel that substantial fines were sufficient, and I remember counsel arguing that anything more than fines drove this type of crime into the hands of the vicious. I do not know the answer, whether it does drive this type of crime into the hands of the vicious when you impose severe penalties.

THE COMMISSIONER: Q. What do you mean by "vicious"?

A. Those more vicious in their activities than probably the type of person the previous witness referred to, the little man on the corner, running a corner store pin-ball game, the more hardened people are not deterred by imprisonment. They just go on. I call that type of person vicious.

Q. Are they of a type, or types - or is there a type that is not at all deterred by imprisonment?

A. Yes, I have one right now in Hamilton.

Q. I am thinking of gaming offences.

A. I do not know. I recall, years ago, that Mr. Murphy in Hamilton - Mr. Hayes, Mr. Hayes, and this is many years ago now, many years. It seems to me, if my memory serves me, he paid many fines, and had gone to jail, and he had a reputation of being the operator of a book until his death, which was years ago.

MR. WILSON: Q. The reason I put this line of question to you is that the New York State Crime Commission report comments on the insufficiency of deterrents, and uses this language at pages 108 to 110:

"The maximum jail term allowed
"by law have been fixed far too low;
"even worse, this has been
"academic since jail sentences
"are rarely imposed.
" Investigating the bookmaker
"or policy operator is regarded
"by the police in most States as
"almost a waste of time. Not
"infrequently the arrested gambler
"pleads guilty, pays a fine and
"then is back in operation even
"before the officer who made the
"arrest is able to return to his
"post. The gambler with several
"prior convictions is often treated
"no more harshly than the first

"offender. The fines levied
"by the court is regarded as
"an inexpensive licence or cost
"of doing business."

That is their conclusion. That is the reason why I addressed these questions to you, as to whether or not you consider this is something, there is something of a similar nature going on in this jurisdiction.

THE COMMISSIONER: Q. What page was that?

MR. WILSON: Pages 108 to 110 of the report.

THE WITNESS: I do not agree that there is something of a similar nature going on in our jurisdiction. In any event, the sum and substance of that is that the court behaviour, they have behaved in such a way that they are licensing this type of crime. That is the substance of that. I do not agree with that.

MR. WILSON: Q. In other words, you think the magistrates, in their wisdom, in your jurisdiction, have so exercised their judgment that that does not occur in the County of Wentworth?

A. So far as I am concerned, I have no criticism to offer on the way the magistrates perform their duties in our jurisdiction, and that is over all the years.

Q. It has been brought to my attention that a magistrate, a former magistrate, Magistrate Hopkins, who was a very forthright magistrate, and had something to do with the curbing, or restraining, or elimination of this type of activity, with this type of gambler, in the Hamilton area.

A. That is a pretty broad statement. "curbing", and what else? You said "eliminated"?

Q. Well, I do not know whether elimination is the right word. Perhaps I should have said restricted.

A. I do not know, but he had very strong views on gambling, at least illicit gambling, and bootlegging and prostitution, that this was behind a great deal of criminal activity. He was convinced of that and he reacted accordingly on the Bench in saying so, and in imposing sentences that were consistent with his views.

Now, whether or not he has eliminated it, that is anther thing.

Q. Well, perhaps eliminated is a word that possibly I should not have used.

A. Whether or not he deterred it, that is another thing. Just as much, maybe, as the reduction in the number of cases that came before the court - I am not sure of that, I am not sure, because I do not keep statistics.

It may be, but even if it was, what would it prove? Would it prove that it had actually deterred, or the argument of those counsel who say that you are driving it into the hands of those, using the word I used to his lordship, who are vicious, who do it secretly.

Q. You have no statistics, you say?

A. No, I do not have any. The police department do.

Q. In other words, you do not have available to you any statistics to show the trend of crime in your jurisdiction, or throughout the province?

A. There are police reports that come out annually, and those are provided, and they give statistics of indictable offences and summary offences. It is quite a volume, and it is published by the Chief of Police of our jurisdiction, and I read those over. I cannot, from memory, tell you what they say, but I - if you want my reaction to it - my reaction is simply this, over the years, in my years of experience - and I quite from the words of the author Lincoln Steffens, who wrote an autobiography, Lincoln Steffens, that there is no such thing as a wave of crime, but waves of publicity, and that is my feeling with relation to my jurisdiction. I believe that there is not

B/2

much difference when you take into account the change in the population, that there is not much difference in the volume of offences that come before the courts.

Q. You have not noticed any change in the years in the incidence of crime, having regard to the change in the population?

A. That is my reaction.

THE COMMISSIONER: Who is the author of that?

A. It is Lincoln ---

Q. Just a minute, "There is no such thing as a wave of crime, only waves of publicity"?

A. That was by Lincoln Steffens, a lawyer, a newspaper publisher, and an intimate friend of President Wilson of the United States.

Q. And what is the title of the book?

A. It is an autobiography, and it has to do with his assignment in the investigation of corruption in what were called the corrupted States in the United States, that is in the 20's. It is quite a big book, but quite readable.

MR. WILSON: Q. Now, you are, today, the spokesman, as I understand it, on behalf of the Crown Attorneys Association on a matter of representation of Crown Attorneys on boards of police commissions?

A. Yes. I was drafted as their President because of the death of the President, Mr. Evans, and there was a meeting that discussed that matter.

Q. Will you just, in your own way ---

THE COMMISSIONER: I want to get that. President of the Crown Attorneys Association?

A. Yes, I was, until a week ago, two weeks ago.

Q. Is the Crown Attorneys Association, is that the name of it?

A. That is the name of it, my lord.

Q. Yes.

MR. WILSON: Q. The Commissioner of Police, or Commissioners of Police Boards, are set up by the Police Act, RS.O.1960, Chapter 298, as amended by 1960-61, Chapter 77, and further amended at the last Session of the Legislature. Now, in your own way, will you explain to the Commissioner the problem, and the position of your Association?

A. Well, it is simply this, that the Crown Attorneys have discussed the contents of the Silk report, and their conclusion is, if the contents of the Silk report are implemented with relation to the police boards, the Crown Attorneys feel that they, bearing in mind what their official duties would be, they feel that they would be eminently eligible and should be included in police

commissions, for the welfare of us all.

Q. Would you care to expand, what are the reasons that they feel they could make some contribution?

A. Well, they feel they could make some contribution to such boards because of the intimate knowledge of the police themselves, carrying on their official duties as Crown Attorneys; and it is also felt that criticism that is levelled in the report against certain persons being commissioners cannot be levelled at Crown Attorneys - that is, they are not members of the Bench. That seems to be the criticism of the report.

Q. In other words, the Crown Attorneys agree with that part of the Silk report, and feel that they could make some contribution?

A. If implemented, they feel they could make some contribution.

Q. Have you anything further that you would like to say on that point?

A. Not on that point.

Q. I think that is all. Thank you.

EXAMINED BY MR. MacKINNON:

Q. Have you been a member of the executive of the Crown Attorneys Association prior to being President?

A. Oh, yes. I have been President before, in previous years.

Q. And do you know Graham Walsh, who was Crown Attorney, and who is now retired from that position, in Renfrew County, for some years?

A. I do not believe I met him. Is he a very old man?

Q. He is not particularly old, no.

A. I do not think he could have been a very active member of the Association. There are two or three who are not. I do not believe I have ever run across him. What years?

Q. I think he retired in 1960, so I would say over five or six years.

A. No, that is a little too short. I just do not know him.

Q. You made an interesting observation, interesting to me, at least, that Magistrate Hopkins gaik felt that gambling and prostitution were behind a great deal of activity. You were also referred to the United States Crime Commission report. I want to read two or three excerpts to you

I want to read two or three examples to you
and [illegible] [illegible]
of society". You were also referred to
any punctuation here behind a quote but
sometimes [illegible] to do, as Jesus, and
observation, [illegible] to do, as Jesus, and
C. Not much on interesting
I just do not know it.
C. No, that is a little too short.
so I would say over five or six years.
C. I think he realized he [illegible]
Please
was getting I have ever run across him, just
there are two or three who are out. I do
been a very active member of the Association.
C. I do not if you be could have
Is he a very old man?
C. He is not particularly old, no.
Dave Cooper
A. I do not believe I was him.
Chris that question to Pauline Cooper for
see me first accuracy, and who is now retired
Pauline, is retired here.
A. And do you know Carmine Bevac,
[illegible] Pete. I have been [illegible]
Parks to Corey Investment
[illegible] of the Coast Fisheries Commission
and [illegible]

from that and to ask you your views in light of Magistrate Hopkins' opinion, and in the light of your own experience.

The first statement is that ---

THE COMMISSIONER: What page is that?

MR. MacKINNON: I am reading - I have not got the actual report here, I am reading from Mr. Wintermeyer's speech. The first statement is:

"Gambling is the heartbeat of
B/3 "organized crime, both on a
"local and national scale.
"The main font of organized
"criminal power today flows
"from three sources; professional
"gambling, labour racketeering,
"and narcotics. Easily the most
"profitable to the underworld
"and the most corrupting of the
"three, and thus the most dangerous
"to society, is professional
"gambling."

And then the report says this, a report on a King County jury, they had this to say:

"Actually, if you scratch the
"professional operator of
"gambling ventures you will find
"the narcotic peddler, the loan
"shark, the dice-game operator,

"the white slaver, and even

"the murderer."

What is your view on the importance of the criminal activities of these gambling ventures or illegal gambling?

A. You ask for my comment, and I must say, I must respect the confidence with which that is stated, and the confidence with which Magistrate Hopkins stated his views. My experience, going back some years, is not consistent with that. I remember, for example, as a boy, I remember a most respectable barber in our neighbourhood, and one who carried on bookmaking also - you could not get your haircut without him running out for the result of the races.

Q. Yes, he is quite respected, but who is behind him, have you ever considered that?

A. No, I never did, I never did consider that.

Q. Is not that the significance of the thing?

A. It may be.

Q. We have many cases ---

A. Yes, that may be.

Q. We have many cases where these men are respectable people, in the sense that they are small -time operators, runners of books, small-time bookies, but they always

have a much larger connection.

A. I do not know that. I do not know that. I did not have any information of the book, that you say they must have been connected with larger organizations. I assumed they run it themselves.

Q. And that is why ---

A. On a little venture. If they are, as you say, in this larger connection, then Magistrate Hopkins, and that article, is perfectly right.

Q. That appears to be the experience, that there is a larger connection.

A. Yes.

Q. Thank you.

EXAMINED BY MR. BREWIN:

Q. Have you studied organized crime in North America?

A. Have I . . ?

Q. Have you studied organized crime in North America?

A. Yes.

Q. I am surprised that one in your position not being aware of the connection between organized crime and gambling.

A. No, I don't. No, I don't. I have,

in my experience - I respect the views of Mr. Hopkins, and of this report. I have had no personal experience, probably because I am not a police officer.

Q. But you are responsible, as a Crown Attorney, for the enforcement of law. Have you not read the reports that have come in from the United States about organized crime?

A. Just a minute. The enforcement of law, I am not with the police department. I prosecute matters put before me.

Q. You have some responsibility for the recommending of the sort of sentence to be imposed, or the type of penalty to be imposed?

A. Well, I have some doubts about that. The evidence speaks for itself. The Court is quite eligible to determine what the sentance should be.

Q. Not without having the assistance and advice of an experienced Crown counsel?

A. The assistance and advice that I would give him would be with respect to the prosecution in my county, which will be ---

Q. Yes?

A. --- the amount of crime, the amount of convictions, and any other information that the police give to me about the matter.

Q. I am a little surprised that you

quoted from the authority, which you gave, of Lincoln Steffen, a friend of President Wilson.

A. Yes.

Q. Have you no authority at all on the development and growth of organized crime since the days of President Wilson?

A. No, I have not. I read the Lincoln Steffens book, concerning his investigation on the growth of crime, and it was because of a study group that I was taking part in, and on the recommendation of the public librarian in Hamilton.

THE COMMISSIONER: I suggest, as supplementary reading, that you take a look at Kennedy's book.

THE WITNESS: I will be glad to do so.

MR. BREWIN: Q. Do I understand you to say, in your view, that it is not clear that a jail sentence would have a greater deterrent effect upon someone involved in this illegal gambling than a financial penalty, eg fine?

A. It would depend on the person involved. A jail term would deter a great number of people, but I still feel that there are the type of vicious person who are not deterred by imprisonment. I am thinking now of the habitual offender, and I am prosecuting one now.

Q. Is it your experience that those involved in gambling are not the type of person who a jail sentence would have a serious deterrent effect, as opposed to a fine?

A. I think the majority it would, but I still think there are this vicious type of person, these vicious people in the business, and probably they would go on.

Q. Another observation you made that I found surprising, and from a man of your experience and in your position, that the imposition of a jail sentence would perhaps drive these operators of gaming offences into vicious hands.

B/4

A. I have heard it argued.

Q. You do not agree with that?

A. I am not so sure. I do not know what to think about it, but over the years I have heard counsel argue that, and they seem to have argued that most successfully before Magistrate Burbidge.

Q. As one responsible for exposing the fallacy of that argument by the defence, sometimes, have you not had occasion to say that this is a silly argument?

A. I have had occasion to disagree, but I have never used the word "silly".

Q. Perhaps that is not the appropriate word to use, because, actually, if

one studies organized crime and the operation of gamblers, can you suggest anything much more vicious than, for example, the corruption of police officers, more vicious as far as the welfare of the community is concerned than xxx the corruption of police officers?

A. I cannot think of anything.

Q. That is part and parcel of this.

A. I cannot think of anything more vicious.

Q. Can youthink of anything more vicious than the use of violence to put away people who inform on those activities?

A. No, it is comparable to violence, with the violence in crimes such as bank robberies.

Q. I suggest, Mr. McCulloch, that perhaps you, and people like you, have taken too light a view on what is involved in the gambling racket, is that possible?

A. That is possible. I do not agree with you.

Q. Right.

MR. ROSE: I have no questions.

EXAMINED BY MR. WILSON:

Q. One further question on Crown Attorneys and the board of police commissioners. There are some Crown Attorneys on such boards throughout the province today?

A. I understand in one or two instances, I am not sure.

Q. His Honour Judge MacDonald was on the Essex board?

A. That is right, in Windsor.

Q. Prior to his appointment, that is. You think there is one other?

A. Yes, I think so.

Q. And you think that they should appear in a much greater proportion as on these boards, that there should be a much greater proportion of representation by Crown Attorneys?

A. That is what I think, yes.

Q. That is all. Thank you, Mr. McCulloch.

---The witness retired.

MR. WILSON: I will call Mr. Bull.

HENRY HERBERT BULL, sworn

EXAMINED BY MR. WILSON:

Q. You are Crown Attorney for the County of York?

A. I am.

Q. And you have held that position for how long?

A. Since the 1st of December, 1961, and prior to that I was assistant for twenty-two years.

Q. Assistant for twenty-two years, so you have had twenty-three years, approximately, of experience in the field of Crown counsel work?

A. Yes, with the exception of the time that I was serving in the army.

Q. Yes. Now, possibly you heard me read question 2 of the terms of reference to the last witness?

A. Yes, I did.

Q. And in your experience as Crown officer, have you ever found that any of the senior officials of the legal staff of the Department of the Attorney-General have improperly brought about the termination of any investigation within the jurisdiction in

which you operated?

A. Never.

Q. And in that same period have any of such officials ever brought about the suppression of evidence, to your knowledge?

A. Never.

Q. And have you any knowledge of any improper payment of money to any of these officials by any, by any person, or on behalf of any person, during that same period?

A. None whatsoever.

Q. What has been your experience, in your dealings with the senior officials of the Department of the Attorney-General, and with the Attorney-General, in general during that twenty-three year period?

A. In all matters within my function as Crown Attorney, or Assistant Crown Attorney, I have been given the utmost freedom in making my own decisions, and in using my own discretion, not only as to the laying of charges but also as to the prosecuting of them.

In any matters in which I have sought the advice, or assistance, from members of the Attorney-General's Department, I have been given the utmost co-operation.

Q. Now, I recall a witness here, earlier, Crown Attorney Bradshaw of Peterborough,

making the statement that he considered in the carrying out of his duties he was assisted by the Attorney-General's Department. What do you consider to be the relationship between a Crown Attorney and the Department of the Attorney-General?

A. We are, of course, responsible to the Attorney-General. We are appointed by the Lieutenant-Governor in Council, as administrators of justice, not as law enforcement officers. In that respect, we also are agents of the Attorney-General, we are agents of the Attorney-General. As an agent we are responsible to him, but my experience has been, and I think it is a proper relationship, that the local Crown Attorneys, unless guilty of some misfeasance, malfeasance, or non-feasance, are autonomous.

I have had the experience myself with the Attorney-General's Department, where I was asked to prepare, to commence a prosecution which, in my own judgment, was not a wise prosecution supported by the evidence, and I have declined to do so. Somebody else has been directed to do that in my place. My judgment was respected by the Department, and I think that is the proper relationship.

I am the Crown counsel and I am responsible for the making of decisions in my

own jurisdiction.

Q. Possibly, Mr. Bull, you heard me read to the last witness the excerpts from the report of the crime investigation Commission in the United States, an investigation on crime, dealing with the problems of deterrents in gambling cases, and the sufficiency of fines rather than jail sentences. Having considered that particular problem, so far as your particular duties are concerned, and in your experience carrying out those duties, what is your opinion?

R/S

A. I suppose I must say, one cannot avoid considering it, as a Crown counsel, in cases that you have to give a recommendation, where you have to give a recommendation on the quantum of punishment, the nature of punishment, and when you are viewing that as a deterrent, that it should be dealt with from the deterrent effect. It is a very broad subject, and goes into a wide realm, and one cannot give a dogmatic statement. The matter is far too complex to admit to a simple statement with regard to a deterrent being an effective form of punishment.

I think the logic thing is that in circumstances, in specific circumstances, and concommitant with a jail sentence, that is a much greater deterrent than hitting a person's

bank book. It depends on the circumstances. Whether in a specific instance, in a the specific realm of anti-social behaviour, whether a fine or imprisonment is the proper punishment. That is something which cannot be generalised. It can only be dealt with in specific circumstances.

(Page 7690 follows)

Take C. F.L.

MR. WILSON: Q. Yes. Well, it would seem that in the New York State Crime Commission report, and other reports in the United States in recent years, that they have taken the view that the little man, the runner in cases of bookmaking, must be treated -- dealt with severely in order to control the back end and the people behind the operation. Now, in your experience, do you agree with that approach to the problem, generally?

A. I cannot say whether I agree with it; I think it can be logically argued that that should be so. If the back end is dependent on the runners, of course, if you cut off all the tentacles of an octopus, you kill the octopus. Whether dealing with them more severely will cut off the tentacle is a matter of speculation. It could be logically argued that if the back end, or the person engaged in organized crime - and I am talking of organized on an extensive scale - is prepared to indemnify the runners, paying the fines, the fines will be no deterrent because his operation is such that he can afford to indemnify the runner and the operation will continue.

However, that is a matter of speculation; it may be he is not prepared to indemnify. He may; I do not know. I have heard of

cases that they do indemnify, but I do not know of any case specifically where that has happened.

Q. Now, based on your experience, in association with your office of the Crown Attorney, would you think there has been any change in the incidence of crime in the County of York or in the pattern of crime as disclosed by the prosecutions carried on by your office?

A. Well, there is more crime to prosecute; whether that can be attributed to just a direct ratio in the increase in population, whether it can be attributed to the urbanization of suburban areas, which do affect the incidence of crime, whether it can be attributed to the type of population we have, their source, their backgrounds, the environment from which they have come; all of these are factors. We know we have more courts, more Crown Attorneys and more crimes to prosecute.

Q. In the American texts and reports in recent years they used the expression "syndicated crime" and "organized crime". Now, what do those terms mean to you?

A. I assume they are referring to the sort of syndicate covered in the Kefauver Commission report, which I have read, in which the organization extended beyond that minimum which is necessary to effectively carry on a betting business. There must be some

organization in crime where two or more people are engaged in it. The syndicated crime to which they refer was that sort of syndicate where it became big business, where it passed beyond the boundaries of a local municipality or local area and there was a tie-in by those who sat in, almost, executive positions in the directing of criminal activity.

Q. In the course of your work and the work of your Department have you any knowledge of the existence in Ontario, or in this district in particular, of either what is called syndicated crime or organized crime?

A. I have no direct knowledge, no.

Q. You, of course, deal with a number of magistrates in the County of York?

A. I do.

Q. About how many would there be?

A. I feel embarrassed, but I cannot answer; there are a lot.

Q. I am not trying to pin you down. There are eight or ten of them?

A. Yes, and several deputy magistrates who have full, extensive jurisdiction.

Q. In what way are they equipped to make out uniform sentences, or are they in any way subject of direction or eduction to bring about that result?

A. I am aware that the magistrates

themselves, through their own association, have conducted seminars for the study of sentencing, they were encouraged to do this by the Attorney General andhis officials, to arrive at some standard of uniformity of sentence. I, personally, have addressed several magistrates' meetings on the question of sentence and its uniformity.

Q. Have the Crown Attorneys association, for example, considered this question of uniformity of penalty?

A. No, I cannot say that the Crown Attorneys Association, as such; it has, incidentally, in informal discussions that Crown Attorneys Associations engage in at their annual meeting, where they discuss a variety of topics, and the matter of sentence and comparison of sentence in different parts of the province has been discussed, but it has not been a specific topic of study.

Q. Do you consider uniformity of penalty a desirable objective?

A. I consider the uniformity of incident of penalty as desirable - that is, make the punishment fit the crime. Say all persons who commit the same crime ergo receive the same sentence; that is not uniformity. There should be uniformity of incidents. A $200 fine to one person may mean bankruptcy; it may mean a license fee to somebody else.

Q. You heard Mr. McCulloch's evidence as to representations of Crown Attorneys on boards of Police Commissioners. What is your view on that particular matter?

A. I share the view expressed by Mr. McCulloch, and which I think expresses the view of the whole of the Crown Attorneys Association. I feel Crown Attorneys, because of their intimate relationship with the law enforcement agencies, of which they do not form a part, are better qualified to direct policy, to discipline and to recommend promotions within the law enforcement agencies than somebody who might be appointed under the terms of the statute. As it now stands it does not require any qualification and might mean some local politicism.

Q. I think that is all.

EXAMINED BY Mr. MacKINNON:

Q. Mr. Bull, your predecessor in office was Mr. Gibson?

A. That is correct.

Q. He is now retired?

A. That is right.

Q. I am interested in your statement that it is within your discretion within the laying of charges. That is what you said?

A. That is correct.

Q. You were the first Crown to be consulted, were you not, in the Wright, Feeley and McDermott matter?

A. I believe so. It had been -- It came to me; I was the first Crown Attorney.

Q. I have Inspector Graham's diary of 1960 and on Wednesday, June the 8th, it appears that he presented the documentary evidence to you and discussed the matter with you?

A. Yes. I think I had had some discussions with officials of the Attorney General's Department, probably by telephone, prior to that, and I knew it was on the last weekend in May.

c2 Q. And you were at that time, then, were you, instructed to lay what charges?

A. The charge had already been laid when it came to me.

Q. Had it?

A. Yes.

Q. What was the role you were to play?

A. To prosecute.

Q. And I take it as of June the 8th you had been advised who was representing the accused Wright?

A. No.

Q. I see it says here, "Mr.Rubin" -

I cannot read the next word - "of Goodman" - maybe it is , "partner of Goodman appointed".

A. Well, that may have been the case on June the 8th. But Mr. Wright approached several members of the Bar.

Q. You are not sure who told you that Mr. Dubin at that stage had been appointed?

THE COMMISSIONER: Who told him?

THE WITNESS: Nobody told me, that I recall now. I may have found out somehow or other. Perhaps I was told, I do not know; but I do know Mr. Dubin, now that you mention it, was one name that was mentioned. There were perhaps three or four. I know who his ultimate counsel was. As long as I had nothing to do with the case. That was not Mr. Dubin.

MR. MacKINNON: Q. No. What did you advise the Attorney General's Department as to laying of charges against other people besides Wright?

A. I didn't advise the Attorney General's Department.

Q. What did you determine to do?

A. Prosecute Wright, as I was requested to do.

Q. And that request came from the Attorney General's Department?

A. That is correct. It had taken place within the jurisdiction of York County;

the charge being laid it was then directed to the Crown Attorney of York County, and to me specifically to act as Crown Counsel in the prosecution.

Q. Did you at any time advise that there should be a charge laid against McDermott?

A. No.

Q. Why not, do you remember?

A. Well, McDermott -- For several reasons: McDermott's operations came to my attention for the first time through preparing a case against Wright. The operation, as far as he was concerned, was not within the jurisdiction of York County - that is, the conduct of any gaming house, that was not in their jurisdiction. There was --

Q. I was going to say: How about his involvement in the alleged corruption and bribery of a police officer?

A. As a matter of tactics in the prosecution of a case it was my considered judgment that there was a reasonable expectation of a conviction against Wright if I proceeded against him alone, without confusing the issue with the inclusion of others. There was always time to prosecute other persons later on.

Q. You did not proceed with the prosecution, did you?

A. No.

Q. What was the reason for that?

A. The reason for that was that another Crown Attorney had been assigned to prosecute McDermott and Feeley for the keeping of a common gaming house, I believe in Cookeville, or elsewhere, but outside the County of York, and that Crown Attorney felt he could not successfully prosecute that charge without bringing in Wright in order to make it in the nature of the conspiracy, or the matter of the admissibility of evidence. I disagreed with confusing the bribery charge with the gaming charge and I felt they should be dealt with separately and, on a difference of opinion, when it was decided they should be proceeded with together as a matter of proper prosecution, I asked that somebody else should prosecute it.

Q. Who did you ask?

A. Mr. Hall, now Judge Hall. It was discussed with the Attorney General's department.

Q. You asked the Attorney General's department to get somebody else to do it?

A. Oh, no, not quite that. We sat down and discussed the whole case, as Crown Attorneys would in a case of this sort.

Q. Do you remember any aspects of your discussions with Inspector Graham on

June the 8th? You were shown the Scott diaries, the reports?

A. Yes.

Q. And some of the transcripts of the case that he had?

A. Whether that was on June the 8th or not I do not know. We had several interviews, but I did see the transcripts of it. As far as I know Inspector Graham made available to me everything that he had.

Q. Do you remember making any comment as to political repercussions this might evoke?

A. Yes, I think I discussed that.

Q. Do you remember what you said?

A. No, I do not.

Q. Could it have been, reading from Inspector Graham's diary, that it was dynamite re the Government?

A. Yes.

Q. What did you mean by that?

A. Because, as I looked at it, there were many allegations, the very allegations which have been -- which have now come forth in the Wintermeyer speech and in the allegations which are the cause of this Royal Commission; I considered that dynamite. I foresaw that that -- the contents of those diaries, if accepted by anybody as having any substance, would have the effect of dynamite.

Q. That did not play any part in your refusal or your feeling that Feeley and McDermott should not be prosecuted?

A. A. None at all.

As a matter of fact, although I did not express it at the time because I did not want it known at the time, I fully anticipated that McDermott and Feeley would be prosecuted at a later date. I had my own way of accomplishing that.

Q. Did you make that suggestion?

A. No, I did not because I did not want McDermott and Feeley to know it.

Q. Why would you think they would know it if you made the suggestion they would be prosecuted at a later date? Why did you have that feeling?

A. It's an elementary aspect of security, that you do not say anything about what you do not want published.

Q. Did you have any particular information that if you expressed this information to some of your cohorts or the Attorney General's Department it would get back to McDermott and Feeley?

A. I was not thinking of anybody. It is a remarkable thing, if you do the sort of work I do, how fast rumour travels from the City Hall to the Don Jail, and I have trained myself to keep my mouth shut until

the proper time.

Q. Apart from the Attorney General's Department has anyone, either criminal or the representatives of that segment of society, ever attempted to influence you improperly, in an improper way or decide, say, the action you would take? I am not suggesting for a moment any such attempt would be successful.

A. That was not what I was smiling at, Mr. MacKinnon. It is a question of your interpretation of the word "improper". I might consider some approaches made by counsel improper to me in my position.

Q. May I put it to you this way: Did anyone ever suggest some little gift might be left for you under your porch, or anywhere else, in a flower pot?

A. I have not any flower pots. I have had oblique suggestions made where I could read between the lines that if I pulled my punches I might receive some benefit from it; but they did not pursue it very long once I expressed myself.

Q. Would this be members of the legal profession who would make these suggestions to you?

A. No, those are not the suggestions I am talking about.

Q. These would be people who were

being prosecuted or --

A. Or some friends being prosecuted. Anybody who has been a Crown Attorney for more than a year has had telephone calls and importuning from various people to go easy on this person or that person because it is a friend; and some of them have gone to the extent where you had the feeling if you acceded to their request you might receive some benefit from it.

Q. Had you ever had any politicians attempt this on you?

A. I do not know, a politician --

Q. A member of the Legislature?

A. A member of the Legislature, no.

Q. Did you discuss this with Mr.Metcalf, the laying of the charges?

A. Who is Mr. Metcalf?

Q. Well, the Crown Attorney in Peel, who was the one who took over from you, I understood.

A. No, no. Mr. Hall, the Crown Attorney from Cobourg -- then Crown Attorney from Cobourg.

Q. Are you sure Mr. Metcalf did not interpose?

A. I do not know Mr. Metcalf.

Q. Between yourself and Mr. Hall? We have had evidence he was brought in and then,

because his former partner, Mr. Gogek, was in some way involved, he then declined.

A. Not with me. As far as I know I have never talked to him. I may have met him at some meeting but if he sat there, next to you, now, I would not know him.

Q. The only person you remember transferring the torch to was Mr. Hall?

A. There was not a transferring of a torch. Mr. Hall had a prosecution, I had a prosecution and after consultation between Mr. Hall, myself and officials of the Attorney General's Department, the weight of the opinion was that it would be better prosecuted if the two prosecutions were amlgamated, and at that point, then, I said, "It had better be somebody else to prosecute it because I do not feel competent to handle it that way." It was not passing a torch.

Q. Well, somebody was taking over the prosecution, in any event?

A. Mr. Hall was continuing the prosecution of McDermott and Feeley by joining Wright in the conspiracy charge; at which point I had the indictment against Wright nolli prosed. I had proceeded to the point of getting a true bill against Wright returned. I was waiting to go ahead when the counsel for Wrigt was available.

He was then tied up in another case.

Q. Do you know approximately when this happened, this taking over by Mr. Hall?

A. It would be, I would think, in the Fall. The Grand Jury returned a true bill in September. It would have come on for trial at the General Sittings of the Peace in September, except Mr. Martin, who was acting for Wright, was engaged in a long trial and he was still engaged, I believe, in November. It was getting on to November, December, when I was still waiting. I had no knowledge of anything else when I was asked to attend a meeting with regard to the McDermott and Feeley charge, which the Crown was having some difficulty in obtaining sufficient evidence.

Q. For example, I read from October 14th entry in Inspector Graham's diary, where he says he --

" Accompanied Sgt. Anderson
"to Brampton & left additions to
"brief with Crown Attorney Metcalf.
"Further discussed McDermott bribery
"case & received authority to return
"$20,000 to Feeley which had been
"seized from him."

You know nothing about Metcalf?

A. I assume that has to do with

the charges laid against McDermott and Feeley without my knowledge at all. These were parallel or collateral actions which did not arise at the same time. The prosecution against Wright arose at the end of May and against him as an individual. At some stage, and I could not tell you now, some charge was laid against McDermott and Feeley which was followed quite independently of the Wright prosecution. But what that refers to, I assume, has to do with McDermott and Feeley; it has nothing to do with Wright.

Q. I just wanted to know whether you had any information on Mr. Metcalf's involvement in this and his reasons for getting out of it. But, if you have not, I will just drop that subject.

Thank you.

MR. BREWIN: No questions.

EXAMINATION BY MR. ROSE:

Q. I just have a few questions, Mr. Bull. Do I take it from your evidence you decided that the possibilities of obtaining a conviction in respect to Feeley and McDermott were less if they were joined with Wright in an overall conspiracy?

A. No, the other way around.

I was concerned primarily with the prosecution of Wright and had proceeded to the point where a true bill had been returned by the Grand Jury on a charge of bribery. At that stage I felt that to then start over again or try to bring in McDermott and Feeley would prejudice my prosecution of Wright, which I felt was a good prima facie case.

Q. On the bribery charge?

A. Yes.

Q. Thank you.

EXAMINATION BY MR. WILSON:

Q. Just a minute, Mr. Bull. When you made this statement to Inspector Graham, that the prosecution might be political dynamite to the Government, I take it you were doing so in the context of the Scott diary and the charges about certain members of the Legislature, certain persons in the Attorney General's Department and certain members of the Ontario Provincial Police, and on the assumption that if those charges were true it would be political dynamite?

A. Let me say, not that the prosecution would be dynamite but that the publication of the contents of the diaries

which formed part of the material which Inspector Graham put before me would be dynamite for the same reasons you have put. There was no question about the prosecution, that was going straight ahead; but it was whether in that prosecution the contents of these diaries should, if admissible - and there was considerable doubt in my mind and still is whether they were proper evidence in the trial - but, certainly against Wright, if they were brought forward, it would be dynamite because there were allegations made there which I was unable to say whether or not were fact, and the subsequent events have shown that they were dynamite. But, it was not the prosecution which was dynamite, it was the contents of the diaries.

Q. In other words, you say dynamite in the sense it led up to the creation of this Commission?

A. That is right.

Q. And the sifting of the rumours, and so on, and other allegations, that appeared in these various documents?

A. That is right.

My comment to Graham was perhaps anticipating, without knowing it, this Royal Commission. I think I used the words "this is a criminal prosecution, not

a Royal Commission, and I am not going to turn a trial into a Royal Commission to pursue allegations which might be quite false but I am going to conduct this as a criminal trial should be conducted in my estimation."

Q. Thank you, that is all.

--- The witness withdrews.

MR. WILSON: Now, I will call Mr.Jolley.

C4

ARTHUR JOLLEY, Recalled

THE COMMISSIONER: What is your Christian name, Mr. Jolley?

A. Arthur.

Q. You were previously sworn and you are still under oath.

A. Yes, sir.

EXAMINATION BY MR. WILSON:

Q. On April 25th you were a witness before this Commission?

A. Yes.

Q. At page 3435, at line 25, you were asked this question:

"Q. Now, do you know Vincent "Feeley?

"A. No, sir, I have never met "Vincent Feeley in my life.

"Q. Have you ever talked to him, "to your knowledge?

"A. No, sir, neither in person "nor on the telephone."

A. That is correct, sir.

Q. Then, on the next page, 3436, starting at line 1:

"Q. Do you know Joseph Mallernott?
"A. Yes.
"Q. Under what circumstances
"did you meet him?
"A. Well, I apparently met him
"in 1957. I don't recall the meeting,
"but in 1958 he called me and asked
"me could he see me, which I said,
"'Certainly', so I met him and he
"explained to me that he had a club
"in Bertie Township referred to as
"Fort Erie."
Then, at line 14:
"Q. Where did he meet you?
"A. Well, he met me -- I couldn't
"say the Royal York or the Parliament
"Buildings now, I can't be too sure."
A. That is right, sir.
Q. "Q. He met you in Toronto?
"A. In Toronto, yes, my lord.
"Q. And what did he say?
"A. He explained to me that he
"had a club at Fort Erie and that
"it was under a charter.
"Q. Just a moment. Yes?
"A. And that he was being, well,
"to use an expression, raided, and
"he felt it was not in order. The
"members were being embarrassed and
"it came under the jurisdiction of

"the Bertie Police Force and he
"asked me did I know the Chief
"of Police there."

Then, you went on to tell us you did call the Chief of Police, Johnson, and asked if he would see Mr. McDermott.

A. That is right, sir.

Q. Then, at page 3440, line 16:

"Q. Now, did you ever have any further calls from Joseph McDermott?

"A. No, no, I never.

"Q. Up to that time?

"A. No, I never did, sir.

"Q. Have you ever met him, or
"did you ever meet him subsequently?

"A. No, no, I didn't."

THE COMMISSIONER: What page was that?

MR. WILSON: That was page 3440.

Q. Then, at page 3444, line 23:

"THE COMMISSIONER: Q. Feeley?

"A. Yes. I never talked to
"Feeley in my life. That is why
"I am trying to get things straight,
"my lord."

Now, there has been filed here two -- copies of two letters -- photostats of two letters, the first of which is Exhibit 184-B, which is a letter dated --

Would you give the witness a copy of these?

"the Bertie Police Force and he

"asked me did I know the Chief

"of Police there."

Then, you went on to tell us you did

call the Chief of Police, Johnson, and asked

if he would see Mr. McDermott.

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further calls from Joseph McDermott?

"A. No, no, I never.

"Q. Up to that time?

"A. No, I never did, sir.

"Q. Have you ever met him, or

"did you ever meet him subsequently?

"A. No, no, I didn't."

THE COMMISSIONER: What page was that?

MR. WILSON: That was page 3440.

Q. Then, at page 3444, line 23:

"THE COMMISSIONER: Q. Peeley?

"A. Yes. I never talked to

"Peeley in my life. That is why

"I am trying to get things straight,

"my lord."

Now, there has been filed here two --

copies of two letters -- photostats of

two letters, the first of which is Exhibit

184-B, which is a letter dated --

Would you give the witness a copy

of these?

THE COMMISSIONER: Well, I have it.

THE WITNESS: I would just like to see my signature, that is all.

MR. WILSON: Q. The letter of February 3, 1958, on the letterhead of the Legislative Assembly of Ontario, addressed to the Superintendent of Insurance, Department of Insurance, Ottawa, attention Mr. H.A. Urquhart:

"Dear Sir:

" I understand that Mr. Joseph "McDermott is president of Simple "Finance Company Limited which is "applying to your office for "licenses to operate a finance company.

" In my numerous contacts with "Mr. McDermott over these past years "I have come to know him well, and "I have no hesitancy in recommending "him to you in the above capacity "as a person of financial stability "and good character. I know too "that McDermott saw service in France "with the Royal Canadian Artillery "and acquitted himself honourably "in the four years which he spent "with the Army."

Did you, in fact, sign that letter and send that letter to the Superintendent of Insurance?

C5

A. Yes, that is my signature, sir.

Q. Just tell us under what circumstances you came to write that particular letter?

A. Well, sir, through you, my lord, to Mr. Wilson, these type of letters are sort of -- these phrases are sort of trite phrases, they are done every day with people in the political arena, from the City Council, Mayor and so on, up. And I don't even remember writing these two letters. Who asked me for these I couldn't honestly say. I am sure it wasn't Feeley; I have never spoken to the man in my life. I am sure it couldn't be McDermott, I have only spoken to him on the one occasion. And it may have been Jim Maloney, who was a very personal friend of mine, and he may have asked me for the two letters. They may have come forward and asked him for them; I don't know. We write them every --

Q. Were you in the habit of writing letters where the facts set out were not within your knowledge?

A. No. In the political arena -- Let me explain it this way, if I could: Supposing, for argument's sake, you came to Niagara Falls and opened up a law practice. You come to me, we will say, the first of April, or the middle of April. You come to

me the first of May. You say to me, "Mr. Jolley, you are a member of the Legislature?" "Yes". "Member of the Bridge Commission, the Park Commission? I have a daughter getting out of school, the last year at school. She will be here in about two weeks. Will you give her a letter of recommendation to get a job in the park selling souvenirs in the summer?" I couldn't say, "This will introduce Miss Geraldine Wilson. I have never met the girl in my life. I have met her father once." I might have met her once and she is a wonderful girl. So, the time element is of no consequence. So, somebody asks you to write a letter and you write a letter.

Q. In fact, you had only seen McDermott once, despite what this letter says?

A. Yes, sure.

Q. Did you have any personal knowledge of his service in France?

A. It must have been handed me by somebody who asked me to write the letter. It would be a factor in getting the end result. Keep in mind, they would be just two names to me at that time.

C6 Q. The other is 184-D, the same date. It is to the same person, or department, and it reads:

" Mr. Vincent B. Feeley, who

"is well known to me as vice-
"president of Simple Finance Company
"Limited, which company is applying
"to you for licensing as a finance
"company. Mr. Feeley has asked me
"to supply him with a reference as
"to his character and financial
"status, and I am pleased to do so.
" Mr. Feeley has been known to
"me for some time as a person who has
"been responsible with his financial
"undertakings and possessed with
"financial assets, and who is a
"person of good character. I am
"pleased to vouch for Mr. Feeley in
"connection with his application to
"you."

Now, do you still say you have never --

A. I have never met the man. I am not sure I even wrote the letters. I signed these letters.

Q. Did you draft those letters?

A. I don't even remember writing them. I maybe didn't even draft them; I am not sure.

Q. You have no knowledge of the statements contained in this letter in regard to Mr. Vincent B. Feeley?

A. No. They are trite phrases, "I have known this man for years and years".

It is done every day when we are in the political arena.

Q. When you gave evidence in April did you have in mind the fact that you had written these two letters?

A. No, sir, I didn't even remember writing them. If I had remembered them I would have told you them. I have written hundreds of them. If I had a ten dollar bill for every one I have written I would go around the world.

THE COMMISSIONER: Q. About people you did not know?

A. Yes. It is done every day.

Q. By you?

A. I would think pretty much by a lot of people in the political arena.

MR. WILSON: Q. You say this is a standard practice of politicians?

A. I said people in thepolitical world. The same thing, you cannot write a nicer letter, "I never met the man in my life but his friend tells me he is a good fellow".

Q. Did you realize this was a different type of recommendation?

A. No. I have written a letter like that. These men want a charter; the man is not here to defend himself, but I would assume Jim Maloney was acting for them as a lawyer, and as a personal friend

asked me to write the letters. He probably would give me the information, what they were and what they did. After that, if they got the charter, I am not a policeman. There must be statutes in the law, just as there is for real estate men and if they do not conduct a respectable business, let them look after it, not me.

Q. In February, 1958, did you have any knowledge of the main occupation of these two men?

A. No, sir. They would be just two names to me.

Q. Did you have any knowledge of their activity at that time?

A. No, not until McDermott came to me about his Club at Port Erie.

Q. That is the first time you say you had knowledge of McDermott's activity?

A. Even then if he had a club, I didn't know whether it was an illegal club or not. It is not my responsibility.

Q. When did you have any knowledge that they were carrying on illegal activities?

A. Just when this broke.

Q. When you say "this"?

A. This Crime probe.

Q. Did you have no knowledge when they went on trial in 1960 and 1961?

A. Yes.

Q. And is that the first time you had any knowledge of the type of characters that they were alleged to be?

C 6

A. That is right, sir. What degree it was, yes.

Q. That is all.

EXAMINATION BY MR. MacKINNON:

Q. You took an oath of office after your electinn, did you not?

A. That is right, sir.

Q. What did that mean?

A. That it was an oath of office.

Q. What did it mean to you?

A. I don't know what you mean.

Q. What did you understand by it? Were you to uphold the laws of this province and this Dominion?

A. Yes.

Q. That would be one of the things you engaged to do?

A. That is right, sir.

Q. And your letters here are, clearly, they are not "To Whom They May Concern" they are addressed to the Superintendent of Insurance?

A. Well, I didn't read them in detail but that is my signature, I wrote them --

I signed them, whether I wrote them or not is a matter of conjecture.

Q. You must have known because it says in the letter it has to do with the application to license a business?

A. That is right.

Q. I suggest to you you must have been aware that their reasons for this letter was to ensure that these two people were able to satisfy the very strict requirements imposed under the Small Loans Act and imposed by the Superintendent of Insurance. Isn't that correct?

A. I would assume so, Mr.MacKinnon, yes.

Q. Yes. And that the purpose of this Small Loans Act, and Section 5 of it, and the purpose of requiring high recommendations, is to ensure that the public will be protected. Isn't that it?

A. Yes.

Q. And you were an elected representative of the public sitting in the Provincial Legislature?

A. Yes, that is right.

Q. Having taken an oath of office?

A. I wrote dozens of letters like that.

Q. You should be ashamed of yourself; I would not boast about it.

A. I am not boasting; it was the common action in the political arena.

Q. This is not a general letter, this is a specific letter, Exhibit 184-D. First of all, Mr. Vincent B. Feeley:

" Mr. Vincent B. Feeley, who "is well known to me ..."

That is a false statement?

A. That is right.

Q. According to your evidence now.

A. That is right.

Q. You do not know him at all?

A. I don't know him at all.

Q. You say:

" Mr. Feeley has asked me to "supply him with a Reference as to his "character and financial status ..."

A. Yes.

Q. That was not true, either?

A. No.

Q. According to you?

A. No.

Q. You do not know who asked you?

A. No, I don't.

Q. Then, you say:

" Mr. Feeley has been known to "me for some time ..."

THE COMMISSIONER: Wait a minute, there is something else in there, and he is pleased to do so.

THE WITNESS: Yes.

MR. MacKINNON: Yes, he is pleased to do so.

Q. Are you aware, in this file we have now discovered, there is a memo in the Superintendent of Insurance's office saying that these are excellent recommendations, the highest these people could have got?

A. I don't know anything about it.

Q. I will go on:

" Mr. Feeley has been known to "me for some time as a person who has "been responsible with his financial "undertakings ..."

That is not so at all, is it?

A. No.

(Page 7725 follows)

Q. "And possessed of financial assets". Did you know anything about his assets?

A. Not a thing.

Q. "And who is a person of good character". You didn't say he was reputed to be a person of good character.

A. No. I am a layman, not a lawyer. I just phrased it the best I could, to the best of my ability.

THE COMMISSIONER: Q. You don't know whether you phrased it or not?

A. No, but I signed it.

MR. MacKINNON: Q. You say, "I am pleased to vouch for Mr. Peeley in connection with his application to you". Is that true? You were at least pleased to do it. That is a part of the letter.

A. Mr. MacKinnon, may I say this? If you came down to Niagara Falls ---

THE COMMISSIONER: Let us not make speeches.

THE WITNESS: All right, sir.

MR. MacKINNON: Q. You were pleased at least to vouch for Mr. Peeley?

A. I guess I vouched. I don't remember writing it.

Q. Then there is the letter about Mr. Joseph McDermott. It seems to be filled with details. At least your first sentence,

you have qualified that. You say, "I understand Mr. Joseph McDermott is president of Simple Finance Company". Do you know who gave you that understanding?

A. No, I don't, sir.

Q. "In my numerous contacts with Mr. McDermott for these past years". That is not true?

A. No.

Q. "I have come to know him well". That wasn't true?

A. No, but I would hardly write it and say I have known him for five minutes.

Q. I would hardly expect you to write the letter at all. However, "I have come to know him well". You figured if you were going to make a good story, it better be very good?

A. It better be good.

Q. Maybe that is your position here today. "I have come to know him well". That is not true?

A. No.

Q. " -- and have no hesitancy in recommending him to you in the above capacity". I take it you had no hesitancy. That at least was true. You didn't hesitate about doing this?

A. No, apparently not.

Q. "-- in recommending him to you in

the above capacity as a person of financial stability and good character". Once again, you didn't have any idea of his financial stability or of his good character or otherwise?

A. No.

Q. Apparently you were aware though that this type of recommendation was required by the Superintendent of Insurance. You had to vouch for his character?

A. Somebody asked me for two letters. They are trite phrases we used in recommending people for any position. It is not unusual.

Q. You always say people are of good character?

A. Yes, sir. I have known the family for a number of years or since I met his father, or I have known him to be a good family of the town or words to that effect. There is nothing unusual about it.

Q. Would you inquire about their financial stability too?

A. It depends -- not if a girl wants a job in the park selling souvenirs.

Q. You paid that much attention to this letter that you knew what it was for, so you were framing yourpreference accordingly?

A. That is right.

Q. Without contacting the recipient?

A. Yes.

Q. You say, "I know too that Mr. McDermott saw service in France with the Royal Canadian Artillery". That was false?

A. Yes. I don't know he did. I must have been told he did.

Q. You didn't say "I have been told that".

A. Oh, well ---

Q. That was false?

A. Yes.

Q. You see no harm in that at all?

A. No, I don't. They are letters we write every day when you are in political life.

THE COMMISSIONER: Q. Are you continuing to do that now?

A. No. I am not in any more, sir.

Q. I understand you have a responsible position?

A. Yes, but I don't write letters any more. I don't have any occasion to.

MR. MacKINNON: Q. You are not a man of standing in the community any more. Nobody will come to you for letters?

A. I wouldn't say that. I would say in my position, they go to somebody else. They still have Members of Parliament, Members of the Provincial Parliament, mayors and reeves and councils.

Q. You say, "and acquitted himself

honourably for the four years he spent with the army". You say you knew that. That was false. You didn't know anything of the sort?

A. No.

Q. In fact, it is quite contrary tothe truth?

A. Yes, that is right. I said two or three times it is done every day. You can't say you knew the man five minutes.

Q. As I repeat, that is your story anyway, Mr. Jolley.

Now, Chief Johnston said when he was here that when you called him, it wasn't really to suggest an appointment for McDermott, but you said he should lay off the Frontier Club.

A. No, I don't think so. Did he say that?

Q. In essence, he said did.

A. I never asked him to lay off the Frontier Club at all. I didn't know if ---

Q. "You should stop raiding".

A. No, it was nothing of the kind. I asked him for a_n appointment for McDermott.

Q. If he says that, he misunderstood you or his recollection is bad. You deny that completely?

A. That is right. I asked him for an appointment for McDermott to go and see

him.

Q. You say that is all you did?

A. Yes.

Q. I want you to be clear on that. That is all you did?

A. That is right, sir.

Q. You said you thought James Maloney was the lawyer for them. Who gave you that impression?

A. Only the fact I knew he know them and he xxxxx also wrote two letters. I thought probably he was the one who asked me to write the two letters. I don't know. I don't remember writing them.

Q. Did you speak to Mr. Harmon about them?

A. No.

Q. You know they ended up in his hands. You know that?

A. No, I don't know that. I am just assuming Jim Maloney was acting for them. We were personal friends. He wrote two letters. I thought he asked me for them. I don't know.

THE COMMISSIONER: I think we better take ten minutes.

---Short recess.

EXAMINED BY MR. EWEWIN:

Q. Mr. Jolley ---

A. Sir?

Q. You said that 184-C of February 3rd, 1958 -- I beg your pardon, 184-B it should be, of February 3rd, 1958, is a letter from yourself to the Superintendent of Insurance relating to Mr. Peeley?

A. Yes, sir.

Q. I am not sure whether anyone has asked you in detail about that. "Mr. Vincent P. Peeley, who is well known to me, is Vice-president of Simple Finance Company Limited, which company is applying to you for licensing as a finance company". That is the first sentence of the letter. Would you read the letters before signing them?

A. Sure. I probably dictated it.

Q. Dictated it?

A. I might have.

Q. You have sworn on oath ---

THE COMMISSIONER: Q. Wait a minute now. In one breath you say you probably did; the next breath you say you might have.

A. I don't remember.

Q. Which is it?

A. I don't remember the letters at all, sir, so I don't know. If it is my signature, I don't know whether I wrote them

Examination by Mr. Smith:

Q. Mr. Smith ---

A. Sure.

Q. You said that the Department of Public Safety, 1903 -- I beg your pardon, 1904 is the first renewal by the Department of Public Safety, is a twelve months renewal, is it not?

A. Yes, sir.

Q. I am not sure whether anyone asked you about the Grandi above this. "No."

Vincent P. Healey, who is well known to me, is Vice-President of Grandi Vincent Insurance Agency, which company is applying to you for licensing as a Common carrier". That is the first sentence of the letter. Would you read the letters before stating them?

A. Yes. I possibly misread it.

Q. Explain it.

A. I might be.

Q. You have access on both ---

A. I might be.

Q. Explain it.

A. I don't remember.

Q. What is it?

A. I don't remember the letters.

Q. It is in the ---

A. Yes, sir, I possibly misread it, but I don't know whether I would be, of February 3rd, 1920, to a twelve months renewal, is it not?

or someone asked me to sign them.

Q. Why say you probably dictated it?

A. I could have dictated it.

Q. But you say you probably did. That is quite another matter.

MR. SHEMIN: Q. Take a look at it?

A. That is all right. Itis my signature.

Q. It is on the letterhead, I notice, of the Legislative Assembly of Ontario.

A. Yes.

Q. So that is a sort of official communication in a sense from a Member and you sign as "Arthur G. Jolley, M.P.P.", which I take it means a Member of the Provincial Legislature?

A. That is right.

Q. So you were undoubtedly, in this letter, using the position which you held as a Member of the Legislature?

A. That is right, sir.

Q. And the first sentence, you say you may have dictated. I suggest to you that at least you read it before you signed it?

D/2

A. I usually read over letters for mistakes in spelling, but I don't recall writing the letters or signing them so I can't really say. They could have been dictated and asked

me to sign them. I don't know.

Q. It says, "Mr. Vincent B. Peeley, who is well known to me, is Vice-president of Simple Finance Company Limited, which company is applying to you for licensing as a finance company". Now, that is the very first sentence. I could understand somebody submitting a letter to you and you not reading it all over, but surely you must have seen that sentence?

A. Yes, I would see it, I suppose.

Q. And the fact is, as you have sworn here, you never met Vincent Peeley, never spoke to him?

A. That is right.

Q. Knew nothing whatever about him?

A. That is true.

Q. You say, "He is well known to me". That was a falsehood?

A. That is right. Like I pointed out to Mr. Wilson and Mr. MacKinnon, you would hardly write a letter and say you had known the man two minutes or five minutes.

Q. You didn't know him at all?

A. No, I don't know him.

Q. I understand you to say this -- you regard this as being, I think you said one time, the usual thing. There is nothing unusual about your writing a letter like this?

A. That is right. 95 per cent of

the letters you get requests for are from people you don't know. Some friend ofyours comes to you and asks you, "Will you write such and such a letter?".

Q. I don't understand your morality. This is a falsehood, isn't it, this statement?

A. The actual statement is.

Q. You regard it as the usual thing to sign letters containing blatant falsehoods - is that it - as part of your duty as a Member of the Legislature?

A. No. If you came to me tomorrow and asked me for a letter for a friend of yours, I would write it just the same.

Q. Even if you didn't know the friend?

A. Yes. If you were a good friend of mine and asked me to write a letter for you for a friend of yours, I would write it.

Q. It wouldn't matter what was in it, how many lies, how many falsehoods?

A. The time element as to how long you have known a person is not a factor.

Q. The time element isn't important?

A. No.

Q. Surely the fact you know something about him ---

A. Somebody must have told me something about him or I wouldn't have written the letter.

Q. You say, "He is well known to me".

A. Oh, well, a trite phrase.

Q. That is a trite phrase?

A. Yes.

Q. It covers any multitude of falsehoods. I am surprised in your morality.

A. No. It is common with people in political life to write letters for people like this for friends of yours who more or less assure you they are all right.

Q. You can't tell us what friend assured you Mr. Feeley was all right?

A. No, I can't . I am assuming it was my friend Jim Maloney I am referring to, but I don't know. He wrote two letters and was the lawyer probably acting for them. I don't know. He could have asked me to write two letters for clients of his. I wouldn't hesitate to do it.

Q. You did know something about Mr. McDermott?

A. I did meet him once.

Q. Was that before or after this letter that you were in touch with Mr. Johnston about Mr. McDermott?

A. I don't know what the date is on the letters.

Q. The date on the letter is February 3rd, 1958.

A. I think it was after.

Q. It was after that?

A. Yes, I think so. I don't know. It could have been about the same time. The Legislature would be in session. It would be the spring legislature, February or March.

Q. What was the date of your conversation with Mr. Johnston?

A. I don't know.

Q. You don't know?

A. No. It would be the spring session of the Legislature, February, March, January maybe.

Q. The latter is 1958.

A. Yes, about that time.

Q. So about the time you were writing and commending Mr. McDermott without hesitancy as being of financial stability and good character, you were also getting in touch with Chief Constable ---

A. There is no connection between the two.

Q. I suggest to you there is a connection because when you got in touch with Chief Johnston, you were complaining about the fact that the premises of McDermott were being -- you said that the premises were being too frequently raided and I think that is the Frontier Club.

A. I don't think I said that.

Q. You don't think so?

A. I didn't say that. I said he had said they were being -- maybe to that effect. But he wanted to see the Chief. That was the crux of the conversation.

Q. It may have been the crux, but isn't it a fact that in the course of your conversation with Mr. Johnston, Chief Constable Johnston ---

A. He is the Chief of Bertie Township.

Q. You said that this club -- as you knew it was being operated by Mr. McDermott -- was being too frequently raided.

A. I don't remember saying that.

Q. You don't deny you said it?

A. I don't remember anything about that conversation. He wanted an appointment with the Chief and I made it for him.

Q. I will read to you what Mr. Johnston has sworn to and see if you are prepared to deny it.

A. I wouldn't deny anything. I don't know what was said.

Q. This is what Mr. Johnston said at page 5035 of the transcript:

"Q. I would like to ask you
"a couple of questions about
"the telephone conversation from
"Mr. Jolley. How long would this

"have lasted? Can you recall?

"A. Oh, it lasted possibly

"two or three minutes.

"Q. I think you said he

"sounded incoherent; he was

"muttering and stumbling?

"A. Yes, that is right.

"Q. You say he talked about

"the club at that time. Did I

"understand you correctly?

"A. Yes, he talked about the

"club.

"Q. What did he say about it?

"Can you recall?

"A. He called about the raids

"on it."

That club, I take it, was the Frontier Club and Mr. Johnston is telling us you called him on the phone about raids on the club.

A. Well, that is what McDermott wanted to see him about. I don't know his exact conversation. He wanted to go and see the Chief.

THE COMMISSIONER: Q. He wanted to see him about the raids?

A. I don't know. He made the appointment with him, but he never went apparently.

MR. ERWIN: Q. I am trying to get your information on Mr. McDermott's activities.

A. I don't know anything about it.

Q. Mr. Johnston said that you called him about the raids on it and the frequency of them. That was the subject matter about which you wanted ---

A. It wasn't the subject matter as far as I am concerned, Mr. Erewin. I called him about making an appointment with the Chief and maybe said in conversation that this is why he wants to see him. I don't know. I don't recall.

THE COMMISSIONER: Q. Why couldn't he make his own appointment?

A. I don't know, sir.

Q. I think I know.

A. I was a Member of the Legislature and representing the riding, so he came and asked me.

Q. He wanted to get you as a man of influence?

A. Yes, that is possible.

MR. ERWIN: Q. If You might have said, in introducing this conversation with Johnson, and introduced the subject by saying there was a complaint from this gentleman and the subject matter was the frequency of raids on the Frontier Club, that shows, I think, that you knew about them, doesn't it? McDermott must have told you.

A. It is possible, Mr. Erewin. I

D/3

don't know now. I don't know. I told you I called and asked for an appointment for him. What the conversation was, I don't know.

Q. He goes on to say:

"Q. What about the raids?

"A. The frequency of them."

Is that true or untrue?

A. I don't know.

Q. That you called Johnston about that?

A. I called him for an appointment and I don't recall the text of the conversation at all actually, just that he wanted an appointment.

Q. I am suggesting to you, Mr. Jolley, that you knew at this time, the time of this conversation which was -- I don't know the date of it precisely, some time in 1958 - you knew at that time that McDermott was operating a club or connected with the operation of a gambling club that the police were frequently raiding. Isn't that true?

A. I don't know. It is possible. I don't know. I don't gamble. There could have been a club and still he had a chartered club. To what degree they gamble and so on ---

Q. The frequency of raids - why would there be frequency of raids unless

there was atleast a suspicion of illegal gambling there?

A. I don't know.

Q. You don't know?

A. I don't know, no.

Q. What I want to put to you again is that when you found out about these raids and what was going on, did you inquire into the matter at all?

A. No.

Q. You did not?

A. No.

Q. You did not look into it to see whether or not there was any -- whether the police were correct in their complaints?

A. No.

Q. I put it to you that after you found this out, did you inform the Superintendent of Insurance that perhaps he should look into this matter before granting a licence on your recommendation?

A. I don't remember writing the letter, so I would hardly ---

Q. You don't remember?

A. No.

Q. Would you not as an elected ---

A. I might have then if I thought of it, but I don't know now after all these years without about writing the letters. I don't remember writing them, who asked for them

or what.

Q. I put it to you the substance of the letters was clearly a personal recommendation from yourself of good character and financial stability of Mr. McDermott, of which you knew nothing?

A. That is right.

Q. But about this time, you acquired information about his operating clubs that were the subject of police raids, frequent police raids?

A. I didn't inquire too much about the raids. He wanted an appointment with the Chief of Police. I phoned the Chief and asked him if he could come over and see him. I don't know. I wasn't on the police commission. It is up to them. Let them look after it. That is their business, not mine.

(Page 7745 follows)

Take E
W.Cathcart

Q. Maybe this is exclusive of time, but I was interested in your own statement that the writing of letters such as Exhibit 194, was a usual thing. Do you mean that other members of the Legislature to your knowledge ---

A. I can't commit other members of the Legislature. I would go so far as to say I believe any member of any government, regardless of the level of government, city, municipal, township, county council, would write letters if people came and wanted a recommendation. Nine times out of ten you don't know them. Someone comes in and asked me for a letter of recommendation -- even cousin George -- nothing unusual about it.

Q. Mr. McDermott wasn't a constituent of yours?

A. No.

Q. You just had a casual acquaintance with him?

A. Yes.

Q. And Mr. Feeley wasn't a constituent of yours?

A. No.

Q. You hadn't met him?

A. No.

Q. And you said you knew him well?

A. I wouldn't write a letter and say I didn't know him. You don't write letters like that.

Q. I want to know about your conception of political morality. Is it your conception of political morality that you would write a falsehood to a public official?

A. We generally write them like that, the time factor is ---

Q. You say "we"?

A. I said "we".

THE COMMISSIONER: You better speak on your own behalf.

MR. BRENIN: Q. I take it you were not speaking for your party? I take it you were a member of the Progressive Conservative party, you were not speaking for them?

A. I am not speaking for anyone. I am just speaking generalities.

MR. BRENIN: All right.

MR. WILSON: No questions.

THE COMMISSIONER: That is all.

--- The witness retires.

MR. WILSON: Call Sergeant Crocock.

ARTHUR CROCOCK, Sworn

EXAMINATION BY MR. WILSON:

Q. You are a Sergeant on the St. Catharines Police Force?

A. I am a patrol Sergeant on the St. Catharines City Police Force.

Q. And how long have you been with the Force?

A. I joined the Force on March 1st, 1946.

Q. And when were you appointed a Patrol Sergeant?

A. I was made an Acting Patrol Sergeant in January, 1961.

THE COMMISSIONER: January what?

A. January 1961.

MR. WILSON: Q. And when were you confirmed in that?

A. This Spring, approximately two months ago. I am not sure of the date.

Q. Do you know Sammy Balsom?

A. Yes, sir.

Q. How long have you known him?

A. Oh, probably ten years.

Q. And Frank Wellwain?

A. I know him as a proprietor of a

pool room.

Q. Where, located where?

A. In St. Catharines.

Q. Now, did you ever place any bets with Sammy Balsom?

A. No, sir.

Q. Did you ever place any bets with anyone in St. Catharines, any bookie in St. Catharines?

A. I have given bets to friends, I believed that they ended up at the track. I go to the track quite often myself. I, in fact, was there two weeks ago.

Q. But you are denying you ever directly placed any bets with Sammy Balsom, or any other bookie in St.Catharines, or in that area?

A. That is right, sir.

Q. Now, over the last three years would you visit Balsom ---

A. Never.

Q. -- or meet with him?

"A. 1958 I got interested in ten pin bowling. I had never bowled much in my life, like, local bowling establishment, and I got the ten pin bug. I bowled every night. Sam Balsom is an expert ten pin bowler. I have never bowled with him, but I have watched him bowl on many occasions and friends of his, to see how it is done.

It is nothing else.

I bowled nightly until the Spring of 1959, when I returned to St. Catharines after attending the Provincial Police school here on Sherbourne Street in Toronto. I couldn't afford to bowl five or six nights a week, so I quit it completely.

Q. What was the name of this bowling ---

A. I believe itwas known as the Ace Bowling. It has since changed its name to Dorado Lanes.

THE COMMISSIONER: What?

A. Dorado Lanes it is known now.

MR. WILSON: Q. Do you know Mike McGroarty -- Mickey?

A. The name is familiar. I should know him. I have never had any dealings with McGroarty.

Q. Did you at any time have Balsom hand to you white envelopes?

A. I have never received a white envelope, or an envelope of any other colour from Balsom in my life.

Q. And did you on any occasion ever notify McGroarty or Balsom that there was going to be a raid on a bookie operation on St. Paul Street in St. Catharines?

A. Never. And if I could go into that a little further. The first I knew of

this, that I was implicated in anything, I was home -- I believe it was last Wednesday evening, the telephone rang and the reporter said, "Your name has been mentioned in the Crime Commission hearing. What have you to say". That is the first I heard about it.

Later, there was headlines. And I then learned that I had been investigated by Sergeant of Detectives Bryan. Well, this was also new to me. And that I was alleged to have given a tip-off to McGroarty when a raid that was conducted by Inspector Shennon -- I think he was an Inspector then -- and it happened -- they didn't find anything. I didn't even know what year they were talking about, or the day. So I went to the Chief Constable -- I thought it was my right that I should at least know when I was supposed to have phoned McGroarty -- and consequently the Chief Constable was good enough to provide me with this letter.

Q. Before you read that letter. I am reading from a report dated November 22nd, 1961, Exhibit 196, from Sergeant Bryan to Albert E. Shennon, the Deputy Chief, so we will get the dates. This was November 22nd of '61, and was the second of two reports made by Bryan, one in May of '61 and one in November.

Now, then, what is the letter that you

have from the Chief?

A. This is a letter -- I asked my superiors for a letter setting out the exact date and time that I was alleged to have telephoned McGroarty. The Chief Constable yesterday gave me this letter.

Q. It is dated?

A. It is dated June 18th, 1962, and signed by Chief Constable Anderson. Shall I read it, sir?

THE COMMISSIONER: Yes.

A. It is dated June 18th, 1962. It is on the stationery of theCorporation of the City of St. Catharines. And It says:

"To whom it may concern:

"On Saturday, July 16th, 1960, 2.30 "p.m. in the afternoon, a warrant was "executed for bookmaking on the "Central Smoke Shop, 92 St. Paul Street, "St. Catharines.

" On these premises there is a "small smoke shop in front and a pool "room inthe rear with a basement under- "neath.

" The raid was conducted by "Inspector of Detectives A. E.Shannon, "Detective James Gaiter, Plainclothesman "Earl Fair and Constable Richardson ---"

THE COMMISSIONER: Excuse me a moment. Give me Exhibit 196. Go ahead.

A. "At the time of the raid a
"Mr. John Pologrum was in charge of
"the smoke shop.
" No evidence of bookmaking was
"found on the premises.
" Patrol Sergeant --"
then in brackets it says -- "then Constable
"Arthur Crocock), was off duty on this
"date. This can be verified by personnel
"duty book records.
" Sergeant Crocock has asked
"for this information in letter form.
"And I have been instructed by the
"Chairman of our Police Commission
"to deliver it.
" Faithfully yours, James S.
"Anderson, Chief of Police."
That is the letter.

MR. WILSON: Q. Now, you say the Chief gave you this in response to your inquiry as to the time it was first suggested you were in any way involved with any of these bookies?

A. This letter is the exact date and time that a raid was conducted on the premises mentioned in there in which I was alleged to have made a phone call.

THE COMMISSIONER: No.

THE WITNESS: That is what I asked for, my lord.

Q. That letter refers to a date on which a certain premises were raided?

A. Yes.

Q. Namely, July 16, 1960?

A. Yes.

MR. WILSON: Q. Well, there has not been any reference in any evidence called here, as I recall it, that relates to any raid on any premises on July 16, 1960.

THE COMMISSIONER: No.

THE WITNESS: That is right, sir. And I wanted to know the date. I thought I should have that information when I was supposed to have given a tip-off.

MR. WILSON: Q. Who said you gave a tip-off on this date, July 16, 1960?

A. As far as I know, McGroarty told ---

Q. Who told you that?

A. It is in the paper.

Q. In the paper?

A. That I had given a tip-off, that I had given a tip-off. Then, I went to my senior officers in the department and asked for the exact date. And I was given this letter.

Q. What paper did you read that in?

A. I believe it was the Toronto Star.

Q. You believe it was the Toronto Star?

THE COMMISSIONER: Mr. Wilson, I don't recall any ---

THE WITNESS: There wasn't any actual date mentioned in the newspaper, no.

THE COMMISSIONER: Q. Then, why ---

A. I didn't know what date I was supposed to have given the tip-off.

Q. Who told you you gave a tip-off with respect to a raid in July 16, 1960?

A. What I read in the paper ---

Q. You say the paper didn't refer to that date.

A. Not July 16, no.

Q. What did it refer to?

A. Just the tip-off.

Q. All this is non sequitur to me.

A. I didn't know even what year I was supposed to have given a tip-off.

MR. WILSON: Q. Did the paper report indicate location of the raid or the name of the premises?

A. I believe it said a poolroom in St.Catharines. I am not sure. And I believe it was last Thursday's late edition of the Toronto Star.

Q. Well, we will see if we can find it. Now, did you at any time have a discussion with Balsom about a prospective better, and did you tell Balsom that this particular individual was a trustworthy person

for the purposes of placing bets?

A. Not me.

Q. Not you. Now, it has been suggested that you had an arrangement with Balsom whereby you tipped him off as to any raids that might be in the mind of the St.Catharines police on his bookmaking operation. What do you say as to that?

A. I first knew of that when I read that in the paper, too.

Q. Well, did you in fact ever give him any tip-off?

A. No, sir. I was never in a position to. And I have never given a tip-off to Balsom or anyone.

Q. You said you weren't in a position to give tip-offs. What do you mean by that?

A. The St.Catharines Police Department, all these raids are conducted by the detective department, I am in the uniform branch. Whenever I have gone on a raid, if I was on a beat, a cruiser would come out and pick me up and say we are going so-and-so, you go to the back door or the front. And that is the first I would know of any raid.

THE COMMISSIONER: That has not always been the practice?

A. With me it has. If I was on cruiser duty, I would get a call to return to

the station. And then I would be told what I was going to do.

MR. WILSON:Q.Well, would you, would you participate in these raids?

A. A long time ago, I don't even remember the year, there was a simultaneous raid on three clubs. I participated in one of them.

Q. Well, I am asking you, say within the last three years or four years, whether you were participating in these raids on suspected bookmaking establishments?

A. No.

Q. None at all?

A. None. None that I can remember.

Q. And it has been suggested that you had an arrangement with Frank McIlwain so you tipped him off in connection with his operations?

A. Never.

Q. You deny that?

A. Yes, sir.

Q. Did you ever discuss with Frank McIlwain the policy of the St.Catharines Police Force mmk with regard to bookmaking establishments?

A. Never. I can safely say that I have talked to Frank McIlwain no more than twice in my life.

Q. And can you give us any --- You

say you don't know McGroarty?

A. I feel I should.

Q. You feel you should. You can't identify him?

A. The nickname "Mickey" is certainly familiar. I would probably recognize him if I saw him. I have never had any direct communication with him.

Q. You say you have known Balsom for some time, is that just a casual acquaintance?

A. Yes. I think everyone knows him.

Q. Since he gave his evidence here have you seen him?

A. I haven't seen him, I haven't seen Sam Balsom in a year, year and a half.

Q. Have you spoken to him?

A. No, sir.

Q. Did you find out from the Chief, the Chief of Police, when he first had any knowledge of any suggested improper activity on your part?

A. No, I didn't ask the Chief that.

Q. You didn't ask the Chief that?

A. No.

Q. Did he volunteer any such information?

A. No.

Q. And the various matters that I have been discussing with you, where it is suggested you have been co-operating with Balsom and others, has that been the subject of any discussion between yourself and any of your superiors on the St.Catharines Force since November, '61?

A. Just the last two days.

Q. Just the last two days?

A. Yes.

Q. The first you ever heard of it?

A. Yes. And when I asked for this letter that I brought.

Q. And at that time did the Chief or any other superior officer indicate how long they had had this information in their possession?

A. No. Apparently I had been investigated. I didn't find that out until I read the paper.

MR. WILSON: That is all, thank you.

MR. MacKINNON: If I could have Exhibit 195 and 196, please. Perhaps my friend has a copy.

MR. WILSON: What is that?

MR. MacKINNON: The May or April report.

MR. WILSON: We will get that for you.

THE COMMISSIONER: 195 will be here in a minute. It is in my room.

EXAMINED BY MR. MacKINNON:

Q. Now, you stated, Sergeant, that you weren't informed of the raids that the police would be making. Is there a morality squad?

A. There is now, it was formed about a year and a half ago.

Q. Was there one in July, 1960?

A. I don't think there was.

Q. Well now, did you ever to your knowledge ask questions as to who was to be knocked off next, who was to be raided?

A. Never.

Q. Well now, let me read you this from Exhibit 196. This is Sergeant Bryan reporting, and he says:

"I have noticed that Patrol
"Sergeant Crocock, particularly
"before his promotion to Patrol
"Sergeant, was very inquisitive
"regarding our activities
"concerning bookmakers."

Now, what do you say about that?

A. That is news to me, sir.

Q. Did you have any particular interest in that field?

A. No, sir.

THE COMMISSIONER: Q. You did like the horses?

A. Oh, yes. I go to the track, and I have done my share of betting.

MR. MacKINNON: Q. You bet through friends?

A. Yes.

Q. Well, Balsom was a friend of yours?

A. I knew him, I didn't consider him any more than an acquaintance.

Q. What was this business of 10-pin bowling, did you bowl with him?

A. No, I bowled in the same building but not with Mr. Balsom.

Q. Do you swear at this time you never placed a bet with Mr. Balsom?

A. That is right.

Q. What?

A. That is right, I never have. With Sam Balsom, I have never placed a bet.

Q. And from your knowledge of the raids, and how they were conducted, would the men in the department know about the raids a day ahead of time and what were these plans?

A. It was strictly a plainclothes operation. I had never ever known in advance any more than five minutes a raid was going to be conducted, in which I took no part. I assume that would apply to the uniform branch as a whole.

Q. As far as the people who were conducting the raids, or the detective branch, I assume they would have some advance information?

A. I don't know.

Q. Did you ever try to find that out?

A. No, sir.

Q. Well, have you any idea why Sergeant Crocock (sic) would think you were very inquisitive ---

THE COMMISSIONER: Sergeant Bryan.

MR. MacKINNON: Q. I am sorry, Sergeant Bryan would think you were very inquisitive about these matters?

A. No, I have no idea why he would think that.

Q. Do you remember discussing the raids with him?

A. No, sir.

Q. Or any of the other detectives?

A. No, sir.

THE COMMISSIONER: Q. When the horses were not running in Ontario, where did you place your bets?

A. I lost interest in horses.

Q. When?

A. When they weren't running in Ontario. I knew nothing about U.S. tracks. I confine my betting to Ontario tracks and Ontario horses.

Q. Well ---

A. I am not a big better, sir, I am a $2 and $4 better when I go to the track.

Q. How would you get a bet recorded at the Woodbine, for example?

A. For the past four or five years I have three friends who are mutuel clerks.

Q. You mean on the parimutuels?

A. Yes.

Q. Yes?

A. And if I wanted to put a bet I would have one of them carry it to the respective tracks.

MR. MacKINNON: Q. Were they at Woodbine?

A. Yes, they will be there this afternoon.

Q. Would you phone them?

A. No, he lives in St.Catharines. This was occasionally, this wasn't a daily affair.

Q. Did you ever go to the track or tracks with Sam Balsam?

A. Never.

Q. You do know who Frank Mellwain is, though?

A. Yes.

Q. You know his occupation?

A. He is a poolroom operator and suspected ---

Q. Bookmaker?

A. Yes.

Q. How about Sam Malsom, did you know what his occupation was?

A. He is a convicted bookmaker.

Q. You mentioned something about clubs. Did you ever have anything to do with the Parkdale Club?

A. That is the club that I was a member of a raiding party. It must be at least six years ago. I can't remember. There were two other clubs raided the same night.

Q. Subsequent to that raid, did you ever have anything to do with the Parkdale Club?

A. No, sir.

Q. You were never on the premises?

A. No, sir, I don't think I have been on the premises once or twice.

Q. Since then?

A. Ever.

Q. Did you ever ascertain who were the operators of this club?

A. I know -- it was common knowledge that Albert Tobe was the ---

Q. One of the men behind it?

A. One of the men behind it.

MR. MacKINNON: Thank you.

THE COMMISSIONER: Who was the banker?

A. I haven't the foggiest idea.

Q. Wasn't there some common knowledge

with respect to that, too?

A. I don't know it.

Q. Was Tobe a man who could finance a big game?

A. I don't know, sir. He had a business in St.Catharines, he ran a clothing store for years. And I think it burned out. I am not sure. It went up in flames. And then I think he went across to the U.S.A. where he is now, I believe.

MR. SCOTT: No questions.

THE COMMISIONER: Mr. Wilson?

MR. WILSON: No further questions.

I don't think we need this letter filed. We can give it back.

THE COMMISSIONER: No.

---The witness retired.

MR. WILSON: Call Inspector Shaughnessy.

ALFRED SHAUGHNESSY, sworn

EXAMINED BY MR. WILSON:

Q. You are a member of the Ontario Provincial Police?

A. I am, sir.

Q. And how long have you been on the Force?

A. 35 years.

Q. And what rank do you have?

A. Staff Inspector.

Q. And how long have you had that rank?

A. The last eight years.

Q. And in February, 1955, in which branch of the Force were you stationed?

A. Well, I have always worked in the same branch in Toronto, the Liquor Act Enforcement.

Q. The Liquor Control Act Enforcement?

A. Yes.

Q. In other words, you have particular charge of seeing that the provisions of that Act are adhered to, and that prosecutions are laid where there is any breach of that Act?

A. That is right, sir.

Q. Now, in February of 1955, did you have a communication from Inspector Stringer at Peterborough in regard to a man named Geoffrey Feeley?

A. I did, sir.

Q. Just tell us what that communication was.

A. I received a call from District Inspector Stringer asking me if he sent a man named Geoffrey Feeley into the office would I take him over to the Director of Prosecutions, Mr. W.C. Bowman. He said that Feeley had worked with the police in Peterborough as an informer, and he gave a lot of valuable information to the department. I told him that I would take him over to see Mr. Bowman. He advised me at that time that Feeley had been convicted for a breach of the Liquor Control Act, the municipal police in Peterborough had laid the charge.

Q. And as a result of that conversation, did you hear from Feeley later?

A. The next day Feeley came into the office and I took him over to Mr. Bowman's office.

Q. Now, at that time the Ontario Provincial Police offices were located at Queen's Park?

A. Yes, we were located at 13 Queen's Park Crescent, opposite the Parliament

Buildings.

Q. When he came to the office, did you discuss the circumstances with him?

A. Well,he told me he had been arrested and charged with a breach of the Liquor Control Act, and he had been sentenced to two months. And I asked him why he wanted to go over and see Mr. Bowman. And he stated that he had worked for the police as an informer for sometime and he wanted to see the Director of Prosecutions to see if he could pay a fine instead of doing the jail term.

Q. Then, as a result of that information, you took him over to Mr. Bowman?

A. Yes, I did.

Q. Did you have any prior appointment with Mr. Bowman?

A. Well, I am not sure, it is seven years ago, whether I phoned Mr. Bowman's office or not. No, I didn't talk - I didn't know Feeley then from a hole in the wall, he was a complete stranger as far as I was concerned.

Q. When you took him over, did you introduce him to Mr. Bowman?

A. I think so.

Q. Who else was present when you did this?

A. I think the late Mr. Hope was in

the office with Mr. Bowman at the time.

Q. And did you stay while Mr. Bowman discussed this matter with Feeley?

A. No, I didn't. You see, Feeley was -- I didn't know Feeley at all, and I just explained to Mr. Bowman that the District Inspector ~~Munn~~ at Peterborough had phoned me and asked me if I would take him over. So, I left him in the office with Mr. Bowman.

Q. Well, when Stringer phoned you did he indicate whether or not he was supporting in any way any application for clemency?

A. No, we didn't discuss clemency at all. He asked me - he explained to me that this Feeley was a notorious bootlegger, and he said he is a liar and a thief. But he said he did considerable work as an informer for the department.

Q. That was the way in which he described the man he was sending into you to take to Mr. Bowman?

A. That is right.

Q. And I take it you had nothing to do with any remission that occurred after, or any clemency that was extended to this man after you took him in?

A. No, I didn't even have a report on the case at all, it was a municipal case.

And I didn't know what Stringer recommended for the man. I just left him in Mr. Bowman's office.

Q. Now, later on in 1955, did you - your branch, have any further dealings with Geoffrey Feeley?

A. Yes, sir.

Q. What were they?

THE COMMISSIONER: And when?

A. In the month of July, 1955, your lordship, I was sent to Peterborough in a raiding squad in company with Deputy Commissioner Bartlett. There was about seven in the party. And Feeley was involved. We arrested Feeley for a breach of the Liquor Control Act. And he was locked up in Peterborough. And on August 4th we had a special magistrate, Mr. Bartram, from Toronto, here, and a special Crown Attorney came up from Cobourg, Mr. Damon, and Feeley was fined $600 for a breach of the Liquor Control Act.

MR. WILSON: Q. Then, did your branch have any further dealings with Mr. Feeley after that time?

A. No, that is the last, the last dealings I had with him.

THE COMMISSIONER: You say $600?

A. $600, your lordship.

MR. WILSON: Q. As far as your branch

was concerned after August, 1955, did he give up his bootlegging activities?

A. He did. He went to work in the General Motors in Oshawa. And a year after that he turned up operating a service station in Peterborough. I understand he is still up there.

Q. Now, we have filed here as Exhibit No. 198, a letter from Inspector Stringer to the Commissioner of the RCMP in regard to Geoffrey Feeley. Would you show that to the witness, please. Did that come -- did that letter come to your attention?

E/A

A. It may have, Mr. --- I would get a copy of that letter. I would get a copy of that letter.

Q. The reason I bring it to your attention, there is an N.D. on the margin, "Mr. Geoffrey Feeley came into the office to explain his case to Inspector A. Shaughnessy. Referred him to the Department of the Attorney-General."

A. That is not correct, because Stringer phoned me and asked me to take him to the Director of Prosecutions. This was on the phone.

Q. Yes. So, that, when you say the notation is inaccurate where it says he came to the office to explain his problem to you?

A. Well, the only explaining he did to me that he told me he worked as an informer for Inspector Stringer in Peterborough. And it seems he got involved with the city police in Peterborough, and they charged him. And he wanted to see the Director of Prosecutions to see if he could get some clemency regarding his jail x term.

Q. That is just about the same story Stringer gave you when he phoned you?

A. Yes.

Q. He said, "This man is an informer". "I want you to take him over to Bowman and let him tell his story"?

A. That is correct, sir.

MR. WILSON: That is all, thank you.

I think it is one o'clock, Mr. Commissioner.

THE COMMISSIONER: Yes, a little after.

---The hearing recessed at 1:02 p.m.

(Page 7726 follows)

---On resuming at 2.30 p.m.

INSPECTOR ALDWORTH, retakes the stand

THE COMMISSIONER: Have you finished with this witness, Mr Wilson?

MR WILSON: Yes, I have, Mr Commissioner.

THE COMMISSIONER: All right, Mr MacKinnon

EXAMINED BY MR MacKINNON:

Q. Inspector, were you able to locate your diary, your 1955 diary?

A. Yes, sir.

(witness hands document to the Registrar)

Q. Can you tell me the date that you saw Pooley?

A. That isn't in the diary, there. Your Lordship, I did not enter that phone call in the diary.

Q. Did you not enter your interview with Mr Pooley in your diary?

A. I did not have an interview with Pooley. He just came in to see me and I took him to the interview with Mr Bowman.

Q. Well, apparently, you did receive this letter, or report, dated February 28, 1955 addressed to yourself, and from Mr Stringer, filed as Exhibit 198?

A. Let me see this, please, Mr MacKinnon. Yes, our stamp is on it.

Q. Would you have received that

before you saw Feeley, or after?

A. It was during the month of February that I saw Feeley/

Q. And this, this is after, when you got this report?

A. Yes.

THE COMMISSIONER: What is the date of the report?

MR MacKINNON: February 28, 1955, sir.

THE [illegible]: Pardon me, your Lordship. I thought it was March. It was duringFebruary I saw Feeley. I do not know the exact date, but it was during.....

MR MacKINNON:

Q. It.....

THE COMMISSIONER: Q. It was probably before the 28th?

A. It would be before I got the report, I think.

Q. He was released on the 25th, wasn't he? On the 25th?

A. That is not in the diary, Mr MacKinnon.

MR MacKINNON: No.

A. The Court cases are all there.

Q. I take it that this entry in red, typed on this Exhibit 198, was not put onthere by you, or put on there on your instructions?

A. No, sir, I do not know anything about it.

Q. Have you any idea.....

A. I will explain, the files, after the inquiry started, this here, Chief Inspector Graham sent to our department and picked up all our files. This is the first time I saw it.

Q. This is the first time, in 1962 this notation was not on that letter, to the best of your recollection?

A. I never saw that.

THE COMMISSIONER: Read that to me. I know I have heard it before.

MR MacDONALD:

"N.B. Geoffrey Feeley came into the office to explain his case, to Inspector A. Shaughnessy, who referred him to the Department of the Attorney General."

A. That was not on the report when it left our office. It must have been put on later.

Q. You do not know, not as far as you were concerned?

A. I do not know.

Q. It was not put on by you, and it was not authorized by you?

A. No, sir.

Q. You stated that your information

from Stringer was that this man, Pooley, had given a lot of valuable information to the department. Is that correct?

A. As an informer, to his department.

Q. That is the O.P.P?

A. I presume so, yes.

Q. Mr Pooley advised us he was not, at that time certainly, an informer for the O.P.P?

A. I do not know, because I never met him before.

Q. Mr Stringer would know that, presumably?

A. I suppose so.

Q. Do you know Inspector Stringer?

A. Yes, I have known Inspector Stringer for 35 years.

Q. This -- does this happen quite frequently, that he would phone you up to make appointments for people he knows?

A. That is the first time that that had happened. I never had anybody from over there before.

Q. Inspector Stringer told us that he did not recommend clemency, and it was stated in the Legislature, when this came up, the Provincial Police had recommended that this man be dealt with in the fashion in which he was dealt with subsequently.

I take it, on your part, that you were not

the member of the O.P.P who made any recommendation for clemency?

A. No -- unless I was in the case. I do not know about it, who recommended him, or what happened to him afterwards.

THE COMMISSIONER: What is that statement in the Legislature?

MR MacKINNON: I read it the other day, sir.

THE COMMISSIONER: I know you read it, but I cannot keep it in my head.

MR WILSON: It is 199 or 200.

THE COMMISSIONER: 197.

MR MACKINNON: Page 1403 is one of the entries that I wish to read here:

"This was a Provincial offence under The Liquor Control Act, so the Lieutenant Governor-in- Council had the power to grant clemency in this case, and the recommendation was made through the Provincial Police and the officers of the Attorney General's Department who investigated it fully."

Q. I repeat, you were not the O.P.P officer, if there was one, who recommended that clemency?

A. If the recommendation was made by Mr Stringer I could not get a copy of the letter.

Q. I am asking, you were not the one who made any recommendation?

A. Absolutely not.

Q. Mr Stringer said he did not. Do you know of any other O.P.P involved in this matter?

A. No, none whatever. I think the entire case the Municipal Police at Peterborough had. I do not think at the time he was looking for clemency.

Q. I think your recollection is quite correct; he so stated.

It was stated in the House, at page 1404, that the O.P.P. used this man and presumably that is based on that recommendation being made by the O.P.P.?

A. I do not know anything about that.

Q. You said the last dealing you had with Mr Pooley was when he -- when you made this raid in July or 1955?

A/ I would say in August.

Q. August what?

A. We carried out the raid in July, but the case was adjourned until some time in August -- August 4th.

Q. He was not, on this occasion, as in the past, sentenced to any jail sentence?

A. No, he was fined $600.00

Q. Do you know whether there was any request for a jail term?

A. No.

Q. You stated that you went up with, in the company of Deputy Commissioner Bartlett?

A. In the company of Deputy Commissioner Bartlett. He was in charge of the squad.

Q. He was your immediate superior?

A. Yes.

Q. What is the name of your branch, the Liquor Control?

A. Liquor Investigation -- Liquor Control and Investigation Branch.

Q. And what are your duties in that connection?

A. We are like a liason between the Liquor Control Board and the Provincial Police. We do all the enforcement for the Liquor Control Board.

Q. Do you do investigation?

A. For the Board, yes.

Q. With regard to licences, for example?

A. No. That is dealt with my the Liquor Control Board. They do it themselves.

Q. You investigate complaints?

A. That is right, sir.

Q. These reports, I gathered from Mr Bartlett, were dealt with by you and initialled by him?

A. The reports all came into the office, you mean?

Q. Yes.

A. No, they came to my office, and if they were very important I would send a copy around to his office.

Q. Have you ever been approached by anyone to have a favourable report made out, or an unfavourable report made out?

A. In what way?

Q. In connection with your work in this branch?

A. Absolutely none.

Q. When you ask me in what way, is there anything else that you had in mind?

A. I thought you meant connected with the Anti-Gambling xxxx Squad.....

Q. No, in your work?

A. No, I never have, sir.

Q. No-one has ever offered you any money?

A. No, sir.

Q. In regard to the investigation, did you investigate applicants for liquor licences?

A. No, sir, nothing to do with that at all.

Q. At no stage?

A. Pardon me, now. If the branch of the Liquor Control Board sends us a request, we will go out and investigate. If a certain character, or certain individual, had made an application, and if he has a conviction against him.....

Q. Yes, that is my question -- from time to time you did investigate the backgrounds of applicants?

A. That is right.

Q. Now, if an applicant has a criminal record, is he given a licence?

A. I have two men, a sergeant and a constable, and they did all the investigation, and they attached -- if the man has got a criminal file, they attach that file to the report, and they forward it to the Liquor Control Board.

Q. From your knowledge, and you have been in this branch for many years, a great many years, is it the practice to give a liquor licence to a man with a criminal record?

A. I do not know that, sir.

Q. You do not know?

A. No, I do not know what dealings the Liquor Control Board had with the individual.

Q. What was the purpose of finding out if they had a criminal record?

A. The Liquor Control Board want to know what kind of character, and if there are any convictions against him.

Q. For what purpose?

A. I suppose before a license is issued.

Q. Can you say, from your knowledge, if the Board has refused to issue a liquor license to an individual with a criminal record?

A. No, I would not know, sir. I would not know.

Q. You have not heard of that in the course of your work?

A. He might be turned down, but what for I do not know.

Q. Are you called upon to make recommendations with regard to these investigations that you make?

A. No, sir.

Q. You do not pass on this information in any way?

A. No, sir.

Q. You pass it on, but you do not yourself pass on it?

A. We do not recommend anything.

Q. And that would be quite clear from the report you would make. No one would put any recommendation, you or Mr Bartlett, that "We recommend this man. He has rehabilitated himself", or anything like that appearing in

in your reports?

A. You must understand, Mr Bartlett is the Deputy Commissioner, and I took over his branch, as chief of the enforcing branch. When he was made Deputy Commissioner I took over his branch. So, he is not connected with our branch, now. He is in charge, but he does not see the reports.

Q. That does not answer my question, as to whether in any of these reports you made, when he was more directly connected with you -- he was your superior throughout, wasn't he?

A. Yes.

Q. Whether or not in any of the reports you made, or that Mr Bartlett made, to the Liquor Control Board, there would be recommendations as to the applicant you were being asked to investigate.

By recommendation I mean words to the effect "This man has a criminal record, but from our investigation we have ascertained, or believe, he has rehabilitated himself, and is now a good citizen." You would not do that?

A. No recommendations, sir.

Q. You would not do what I have said?

A. No, sir.

Q. Just a straight factual list of the criminal record, and that is it?

A. Yes, sir.

Q. Thank you.

MR [illegible]: I have no questions, thank you.

MR WILSON: I have no further questions. I will call Donald Lloyd.

(witness steps down)

WILLIAM DONALD LLOYD, duly sworn

EXAMINED BY MR WILSON:

Q. Mr Lloyd, you reside in Chatham?

A. Ontario, yes.

Q. And what business are you connected in, engaged in?

A. The textile business.

Q. And, and -- you are a person who, I understand, likes gambling personally?

A. I have, pretty well.

Q. And you have known Vincent Feeley for how long?

A. Oh, about 7 or 8 years. I have not known him. I only met him four or five times in the 7 or 8 years.

Q. In what circumstances did you meet him?

A. He came into the office, and he asked if my name was Donald Lloyd, and he asked to talk to me. I said "why not?" He looked as respectable as anyone else.

Q. And what did he want to talk

about at that time?

A. Oh, did I know Mr Shrubb.

Q. Who was the Mr Shrubb you speak of?

A. Mr Shrubb and Mrs Shrubb, of the Town House, which I owned, and he was a member of the Police force.

Q. That takes us back to about 1954, or there about?

A. I would not know. I would not know that.

Q. Prior to Shrubb.....

A. Many years ago.

Q. .....coming to Toronto?

A. Yes.

Q. He was, at that time, a member of the Ontario Police?

A. Yes, I understand.

Q. What did Fooley want to know about Mr Shrubb and Mrs Shrubb at the time?

A. He was not interested in Mrs Shrubb, but in Mr Shrubb.

Q. What did he want to know about him?

A. Well, he, shall I say -- we just started out, "How do you know him? How well do you know him?" I said, "In what way?" He said -- it is hard to know -- what way shall I say? You know, I am no tale tattler. Shall

I say.....

THE COMMISSIONER: You are here under oath.

A. Yes, that is right, sir.

Q. You are here, and whether it is telling tales or not, we want the truth.

Q. "I run a place at Cooksville....."

A. He said?

A. Yes. "I have a place at Cooksville. Why does this man have to make it a point to knock at my job all the time?" I said, "I don't know anything about that." He said, "I would like to speak to Mr Shrubb, will you introduce me?" I said, "Why not?"

I said, "Of course, you are going to meet a very difficult man. He is the law to the letter. I suggest you just drop it." He said he would like to meet him. I phoned Mrs Shrubb and Mr Shrubb was not in. Mr Feeley went away.

THE COMMISSIONER: Don't go too quickly, please.

A. I am sorry.

Q. Feeley left?

A. Feeley left.

Q. Yes, continue.

A. Shall I continue?

Q. Yes.

A. That was all for, I would say, quite a few months, until Mr Feeley called up and said "I have not met Mr Shrubb, yet." I said, "You will meet him, but I suggest....." shall I say, I suggested that Mr Shrubb was not a man to be spoken to, and then there was nothing done, really, at any time, except that I did tell Mr Shrubb that he was anxious, that Mr Feeley was anxious to see him -- see him when he is available.

That is the time I went to Toronto, I went up to Toronto -- I happened to be in Toronto, and Mr Feeley wanted to speak to me about something, and he had called the office, my office. My office told him that I was in Toronto, and where I was. And, when I met him -- I met him in the King Edward, in the hallway, and he said: "Would you please call Mr Shrubb?" I said "O.K."

So, I called up the home, and Mrs Shrubb answered the phone, and she said that Mr Shrubb was not in. She said, "Is that you?" I said "Yes". She said, "How long will you be in town?" I said, "Two or three hours." I said Mr Feeley wanted to see him and, I don't know, she said, "I have to go to Eatons", or it might have been Simpsons, "I will be right down."

We met in the King Edward. As you go into the King Edward, there is one room on the left hand side, and a bar, and there is a double

door, and went into there. They had two drinks each, and I only drink ginger ale, and I had two ginger ales. Nothing was said except "Nice day", and everything else and "The world looks wonderful".

I said, "I better see if Mr Shrubb is in", and she said he would not be in until later on. I said, "I am going home". Then Mrs Shrubb, we walked with her to outside, and she got a cab. Where she went I do not know -- either to Simpsons or Yetons, and I went on my way.

MR [illegible]:

Q. What year did this occur? Are you able to fix a year?

A. I would not know. I have never taken any part -- the whole thing was, I had dealt with it so lightly. I knew that nothing was going to come of it. I did not bother. It was not something that would come to anything. I thought nothing serious of it, and I therefore did not pay much attention to it.

Q. I want to try to follow this evidence.

A. That is right, sir.

Q. When Shrubb was in Chatham area was he in the Anit-Gambling Squad?

A. No, he was in the Anti-Gambling Squad -- I remember him being there in some

department, and offered him that position -- I think on that job later on.

Q. He was with the Anti Gambling Squad in April, 1954. Was the approach that Feeley made to you prior to the time that Shrubb left Chatham, or after?

A. I do not know for sure, sir. As I mentioned before, I do not know. I did not know anything, of any drama that was coming, that was going to be made of this matter, and I let it go. I did not know that it was going to be made an issue of, with Mr Feeley or Mr Shrubb.

It was only, I thought that Mr Feeley was only -- that is why I stayed away -- was only looking for a lot of trouble.

Q. You played, I understand, at the Centre Road Veterans Club at Cookeville on occasions?

A. I have never played. I watched.

Q. You never played, you watched.

A. I went there with a friend of mine, on invitation, and that was whenever I came to Toronto. So we came up to Cookeville and went in and watched.

I was surprised to see the high class of men there. Men that looked to be of outstanding character. I did not bother to keep a xxxx watch on them. We were treated quite

properly. I have nothing against it. The club was of a good class. In looking over the men in the club very thoroughly I would say they were men who could stand up against anybody, as far as appearance, or anything like that. They were not roustabouts.

Q. Was it before or after you first visited this club that you.....

A. I went three times.

Q. .....that you had this contact with Mr Fesley?

A. I had contact long before.

Q. Long before?

A. He gave me a ticket and said, "If you are passing through, come in." I said, "Thank you".

Q. This first contact with Fesley was in Chatham?

A. Right.

Q. You say you went with a friend, who was that friend you went with?

A. With a gentleman farmer.

Q. A farmer?

A. A gentleman farmer, a friend of mine.

Q. And his name?

A. Johnny Wilson.

Q. From Chatham?

A. Chatham, yes.

Q. You were there on two other

occasions?

A. I just went three. The other fellow had visited Las Vegas on many times and he said that Cookesvillee was so much superior to Las Vegas, that they treated you much nicer, and they gave you more chance with your money than they did at Las Vegas. He said he wanted to go back. So, when I went I said "Let's go". No-one told us not to go in, or they would have stopped us.

Q. On the three occasions did you see Feeley there?

A. I saw him twice, Mr Feeley. Mr Feeley was said to be a gentleman as far as.....

THE COMMISSIONER: You found him twice at the club, is that what you said?

A. Twice at the club.

MR WILSON:

Q. And did you also see Mr Joseph McDermott there, did you also meet him there?

A. I do not know him, Mr ~~xxxxx~~ Joseph McDermott.

Q. Now, when, at the time Feeley first contacted you, Mrs Shrubb was working for you?

A. Mrs Shrubb was working for me. She worked in the plant as a power machine operator, a power machine operator and clipper. And, after, when the Town House, which I owned --

the people left who were running it, and Mr and Mrs Shrubb asked if I would give them a chance to run the Town House. I said "Certainly". So Mrs Shrubb then started, and she went to the Town House, and from there to Toronto.

Q. While at the Town House was there any discussion as between the Shrubbs and yourself about the possible purchase of the Town House by Shrubb?

A. Mr Shrubb -- they had worked the business up exceptionally well. They asked if they could buy it. I said "Yes", but no down payment. They had no money to put down, and I said, "I am sorry. I can't do it. Then they came to Toronto.

Q. Before they came to Toronto did you have any discussion with them about the purchase of the Tilbury Hotel?

A. Yes, the Tilbury Hotel -- during that time, during the time that Mrs Shrub and Mr Shrubb, they worked there -- Mr Shrubb helped, he would help out.....

THE COMMISSIONER: Which way did you put it?

A. He would help out. Mrs Shrubb was at the Town House and Mrs Shrub -- Mr Shrubb helped out after he finished his duties.

Q. Mr Shrubb helped out after he finished his duties.

A. They both helped -- he should

have helped her.

MR WILSON:

Q. This piece, the Tilbury Hotel.....

A. The hotel, the Tilbury Hotel was owned by Mr Martin. Mr Martin one day came into my office and he wanted to know if I was interested in purchasing the Tilbury Hotel. I said -- he said, and he showed me a statement of a very low figure -- I said "No". I said I was not really interested, but I might know a party who was interested, Mr and Mrs Shrubb wanted to get on in life, and advance in life -- they were aggressive.

I told him about the hotel, and we went down to see -- we went down to see Mr Martin at Tilbury, and then.....

THE COMMISSIONER: Q. Who is "we"?

A. Pardon?

Q. You say "we"?

A. No, I went down with Mr and Mrs Shrubb to the Tilbury Hotel in Tilbury, and we discussed the purchase. I told Mr Shrubb they wanted $10,000 down. I told Mr Shrubb I would put up $5,000. I was to put up $5,000 and Mr and Mrs Shrubb were to take a salary, and I didn't take a salary -- we would split up. Mr Shrubb said he, all the money he had was tied up in some -- what fund is that the Police have? In the Police fund, the cash they had.....

MR [illegible]:

Q. Probably an annuity.

A. Twelve or fourteen hundred dollars. All right. Then Mr Shrubb was advised by some party to go along and see a Mr Meredith in Ridgetown. He had an option on the hotel.....

THE COMMISSIONER: We had?

A. We, that is the way, Mr Shrubb and Mrs Shrubb, and myself.

Q. A written option?

A. Well, they could not give us a written option. They gave us an option, Mr Meredith, for $78,000. He already had a written option with somebody else for $110,000. At $78,000 we could take it, he said. Not a written option, but the price would be $78,000 "to you", he said. All right.

Then we went to see this chap called Meredith, a car dealer at Ridgetown, and spoke to him. He said, "I think I can help you. I think I can help you, Mr Shrubb, at $5,000." All right. So we went away, and Mr Shrubb I will let you know in two days where the money will be." All right.

So, two days after, and Mr Shrubb didn't hear from Mr Meredith. Then I said to Mr Shrubb, "We better go to Tilbury." We went to Tilbury, and what happened there, what happened was this, that this man Mr Meredith, this

men and another gentleman, they have, they are the ones with the option for $110,000. He said you will be able to get it for $78,000, Mr Martin. Mr Meredith and the other chap, when we went two nights later, it was sold to them for $78,000. I saw him, Martin, and he was drunk -- and Mrs Martin was downstairs and she said, "Mr Lloyd, what have they done?"

Mr Shrubb wanted to pay Mr Meredith for the double-cross. And that was it.

Q. Quite a story.

A. Do you understand, your Honour?

Q. I understand what you have said, yes.

A. That is what I mean.

MR WILSON:

Q. That is the end of the Kirk Tilbury Hotel?

A. Except that Mr Shrubb said if he saw Mr Meredith he would run over him rather than pick him up -- which is in order, really.

Q. We have been told by Mr Shrubb that he had some discussion with you as to the possible financing of the purchase of a service station?

A. What happened there, you see, after I came into contact with the Shrubbs, Mrs Shrubb was the aggressive one, very aggressive. Mr Shrubb was a little on the heavy said, shall I say, and had not been pushed

around yet. You know -- you understand what I mean, sir, your Honour?

THE COMMISSIONER: No.

A. The woman is aggressive, and the man sits down quite a bit. You understand what I mean, sir?

Q. He is not as aggressive as she is?

A. He is not as aggressive as she is, yes, which you could see. I would see them, they only lived half a block away. I would go and see them, and he was a man who wanted to get ahead, but I said what is it if you don't work. You know what I mean, don't you, your Honour?

Q. No, I do not.

A. Well, if you don't work. Yes. The filling station.....

MR [illegible]:

Q. Let us get the story.....

A. The filling station was this -- after the Tilbury deal was through, Jack heard of the service station. The man was not well who had it, he was not well.

Q. Mr Shrubb was working there part time?

A. Working part time where?

Q. At the service station?

A. I do not know -- no, no -- yes, he did want to try it. He went to try it to see

if he liked it, and to help the man who was not well. What happened there, when I went over there one time, this one time, and Jack called me, and with his wife, and he said would I like to put up, he said, for the service station. I asked how much it would be, and he said about $3,000. Mr Shrubb had not got -- he has not got the money -- and Mrs Shrubb said he is not getting any of mine. So I said, "He is not getting any of mine." So, that was dropped.

Is that all right, your Honour?

THE COMMISSIONER: Yes, I understand you.

A. Yes. That is the service station deal.

MR WILSON:

Q. To continue the financial matters.....

A. Right.

Q. .....did you back Mrs Shrubb when she opened a beauty parlor in Peterborough?

A. I did not back her at all. What it was, I got a phone call, a phone call from, from Peterborough, and it was Jack Shrubb saying they had been to the bank to borrow some money, I think that is what it was. I had known them for years, and had backed him on another enterprise.....

Q. What was the other enterprise?

A. What was the other enterprise?

Going into the restaurant business in Hagerville, an opening there for Mrs Shrubb.

Q. Did he go into that?

A. No, no, he had it purchased, like everything else, somebody not feeling well, and when they fell -- when they got there with the money it all fell through.

Q. Let us go back.....

A. Mr Shrubb called up and said about the filling station, and naturally they wanted an endorsement, and would I. Well, I said why not, I had known them both for years and they were both working. So, two weeks later Mr Shrubb came into the office with a note, so I said -- well, I had known them, and without any consideration.....

Q. For two or three?

A. Two or three thousand.

THE COMMISSIONER: Who had signed that note?

A. Mr and Mrs Shrubb, and my name made three.

MR WILSON:

Q. Who did you buy the Town House from?

A. Oh, the Town House, what happened was that many years ago a Mr Beverly Barr -- this Town House was Mr Barr's home, with many rooms in it, and he decided, he decided to change. What he wanted to do was to change it.....

THE COMMISSIONER: Do we need all this?

A. I don't know.

MR WILSON:

Q. Is it not a fact that you acquired it under the payment, in payment of a gambling debt?

A. Oh, my! This is the story, you see -- You must remember that Chatham is a very small place, your Honour. When you raise your hat to a lady you are then taking her out. If you lose 20 dollars it is $1,200. The Town House, I took it from Mr Kerr, and Mr Pleasance in as partner, a partner -- Joe Pleasance.

Q. How much did you pay for it?

A. $55,000.00

---

page 7810 follows

Take BB
P.L.

MR. WILSON: Q. And did you pay for it?

A. No. 35,000 was borrowed from the bank.

THE COMMISSIONER: Q. You and Pleasance bought the Town House?

A. Yes. I took it over on my own for two days and I met him after and we declared a partnership with Mr. Pleasance and it would be over two years, and I have the papers dissolving the partnership. But, Your Honour, I mean, bringing that up -- I like to gamble but I don't gamble over the houses, or even over backhouses.

MR. WILSON: Q. Did you pay up, in the end, all the 55,000 yourself?

A. No, no. There's still a mortgage against it.

Q. For how much?

A. I would say 32.

THE COMMISSIONER: Q. What was the purchase price?

A. Fifty-five.

MR. WILSON: Fifty-five thousand.

Q. Did you make the down payment of twenty thousand?

A. No. I made a down payment of -- You see, there was still a lot of work to do. I made a down payment of ten thousand. The other involved -- the finishing of the place. The place wasn't finished when I took it over.

I originally paid thirty-two to Mr. Kerr, but to finish it off came to fifty-five.

Q. Who put up the other?

A. The bank put up the original thirty-two. It wasn't fifty-five, it was thirty-two in the first place, from Mr. Kerr. Fifty-five when it was finished, I am sorry.

Q. You put up ten thousand. Who put up the other --

A. Joe Pleasance. And when we dissolved he got about thirteen thousand out of it. He was paid out. And I think you should strike it out, that I didn't win it by the dice.

Q. How long did Mrs. Shrubb work for you at the Town House?

A. I would say three or four years. I am not sure of that, though.

Q. After they moved to Toronto, we have been told by Mr. Shrubb in his evidence, that on the 16th of August, 1956, he received a call from you and that you told him that Vincent Feeley had visited --

A. Had called me.

Q. No. I will tell you what his evidence is.

A. That is all right, sir. Go ahead.

Q. He said that Vincent Feeley -- No, you told him that Vincent Feeley had visited him (sic) at that time. Is that right?

A. I told what?

Q. You told Shrubb when he called you in August 18, 1956, that Feeley had visited you.

A. Mr. Feeley only visited me once.

Q. Did you tell him that he had visited you?

A. No. Yes. I had told him -- I had called the Town House after and told him he had a friend --

Q. I am talking about August of 1956.

A. I had made a date with Mr.Shrubb to meet Mr. Feeley and myself at the Seaway and Mr. Shrubb -- I went with him and I said, "Well, Mr. Feeley, do you want to meet me?", Mr. Shrubb -- well, I am sure --

Q. Shrubb has sworn that prior to August 1956, he had a number of telephone calls from you. Would that be true?

A. He had a few calls, yes, because I wanted to get this visit over. You can see the conclusion you might face.

Q. And he says you told him that Vincent Feeley had visited you and called you by telephone on numerous occasions. Did Feeley call you on numerous occasions?

A. No, he wouldn't have. I wouldn't think that. I have something else to do.

Q. Do you deny saying that to Shrubb?

A. I didn't say that to Shrubb.

Q. We cannot both talk at once.

A. Right.

Q. You deny that Feeley called you on numerous occasions?

A. I deny that, yes.

Q. Shrubb has sworn that Feeley had wanted you to act as a go-between in an attempt to arrange a fix between the operators of the province's gambling clubs and Shrubb?

A. Well, --

Q. What do you say as to that?

A. What I say to that is that most of that line of talk is what I gave Mr. Shrubb on my own.

Q. Well, did you say that?

A. Did I say what?

Q. Exactly what I have just put to you.

A. I told -- Yes, but Mr.Feeley didn't give me those words. I made that up myself.

THE COMMISSIONER: Q. Wait a minute, now, Witness. Just tell me what you said to Shrubb? Take your time.

A. What I said to Shrubb -- You see, when Mr. Feeley -- when Mr. Feeley --

Q. Never mind about Mr. Feeley, anything. Tell me in your own words what you said to Shrubb.

A. "Mr. Shrubb, there's a gentleman would like to meet you". As far as the word "fix", there was no fix. I said to Mr.Shrubb -- Perhaps you do not know Mr. Shrubb. I know Mr. Shrubb, so I was having a little game with Mr. Shrubb. Shall I say this, because if you knew Mr. Shrubb like I knew him, Mr. Shrubb was, I say, is all out law.

MR. WILSON: Q. You tell us about it without the embellishments.

A. Yes. Well, I told Mr.Shrubb, was he interesting --

THE COMMISSIONER: Q. In what?

A. In dealing outside the law.

Q. You asked him that?

A. Yes.

Q. Just a moment. "I asked him if he was interested in dealing outside the law"; is that what you said?

A. Yes, sir.

Q. Just go on, now.

A. And, of course, knowing -- knowing that --

Q. Never mind "knowing".

A. You have to say "knowing". I happened to know Mr. Shrubb's mind, Your Honour. Therefore, knowing Mr. Shrubb's mind, of what he was like in the first place, shall I say, I was only making a part joke of it because it couldn't go any further and I wasn't

going to be involved. It couldn't go any further, as far as me taking any bribes, or even sitting down with him. That was beyond Mr. Shrubb.

MR.WILSON: You tell us exactly what you told Mr. Shrubb.

A. I said, "Are you interested?" and he said "Absolutely not".

Q. In doing what?

A. I said, "Are you interested in taking a little envelope?".

Q. Is that all you told him?

A. Absolutely. What else? I have nothing to offer. I have nothing to pass on. I am only passing on to kill it off. I have nothing to give from Feeley to him, or anybody else.

Q. You are passing it on from whom?

A. From me.

Q. From you?

A. Yes, absolutely. Mr.Feeley said he wanted me --

Q. What were you doing, killing off, was that your idea of a joke?

RB2 A. First of all, when a man like Mr. Feeley wants to come and play with a man like Mr. Shrubb, do you want somebody dead on the floor or do you not? I knew that. Therefore, I wanted Feeley to keep away from Mr. Shrubb, even with any of his ideas, if

he did have any.

THE COMMISSIONER: Q. Did Feeley ask you to --

A. No, no. Mr. Feeley said, "Could you -- Could you introduce me? Is this man beyond reproach?"

Q. I see.

A. I said, "This man is beyond reproach, Mr. Feeley. Just have a good laugh over the whole thing". You must remember, as I said before, you understand, a man like Shrubb, you keep most things from him.

MR. WILSON: Q. I take it Feeley made it very clear to you he wanted to arrange a fix?

A. It wasn't really a fix, first of all. I didn't let Mr. Feeley get started on any fix.

Q. Never mind if you let him get started.

A. Mr. Feeley --

Q. Just listen to the question.

THE COMMISSIONER: Q. Just listen to the question.

A. Are you mad at me? After all, I am doing all the talking for your sake, too, Your Honour.

Q. Well, listen.

MR. WILSON: Q. Follow.

THE COMMISSIONER: Q. Wait a minute. I am not mad at you.

A. Well, after all, I am trying -- I want to be fair, just as fair as you are, Your Honour.

Q. That is good. But I will get provoked at you if you go on and make a whole lot of speeches. I want you to keep to the line.

A. Keep me to the line. He could go like this (demonstrating) couldn't he, Your Honour?

Q. This is not any circus.

A. I don't intend to be.

Q. You do not intend to be a clown.

A. No, I didn't intend to. But, after all, as I said, and generally, I think I am intelligent.

Q. I think you are, too.

A. I try to be. And, I said before --

Q. Listen to the question.

A. You see --

Q. No, no; listen to the question.

A. Thank you.

Q. Pay attention to it and answer the question and we will make much better headway.

A. Right. Go ahead.

MR. WILSON: Q. Pooley made it quite clear

to you what his operations were when he came to talk to you, that he was a gambler operating gambling establishments?

A. He didn't say he was a gambler, after all.

Q. I say, he made it clear to you?

A. He could be a gentleman gambler.

Q. Well, he made it clear to you what business he was in?

A. Partly.

Q. Partly?

A. Yes.

Q. And, also, he made it clear to you that he would like to have somebody that would be of assistance to him who was inthe O.P.P., and he had Shrubb in mind?

A. Before -- Can I answer this, Your Honour?

THE COMMISSIONER: Q. Yes, certainly.

A. I am going to say something that he hasn't asked me about.

MR. WILSON: Q. Answer the question first.

A. Was it what?

Q. He made it clear to you he wanted to meet with Shrubb in the hope that he could use Shrubb to give him information that would be helpful in his operations?

A. I didn't give him a chance to get that far.

Q. Oh, yes, you did, because you told me you did not think Shrubb would be interested in that kind of a deal. Didn't you?

A. I had to put it that way knowing --

Q. You had to put it that way?

A. Certainly, I knew Shrubb. That is the wise thing to do. I didn't want to be involved in anything.

Q. I appreciate --

A. I could have replied, "Mr.Feeley, leave the office immediately".

Q. I appreciate you would not want to be involved but, after Feeley had talked to you, then you talked to Shrubb and you told him about Shrubb (sic) being interested in having some set-up whereby the fix would be in?

A. No, sir. No, sir. Because I wasn't going -- you see, it could have been that way had I handled Shrubb in a different way.

THE COMMISSIONER: Q. I thought you wanted me to understand that is what you did tell Shrubb but you were only joking?

A. Yes, partly, yes.

Q. Is that what you are saying now?

A. Yes. Well, I wasn't -- it wasn't going -- I did joke because it wasn't

going to be a business deal. Do you understand?

Q. Did you say to Shrubb, in substance --

A. Right.

Q. -- "There's a gentleman wants to see you"?

A. Right.

Q. "And would you be interested in taking a little envelope", thereby meaning a little bribe? Did you say that to Shrubb?

A. Yes, but the last words were my own.

Q. You said that to Shrubb?

A. Right, Your Honour.

Q. All right. And he said, "Absolutely not"?

A. "Absolutely not". "I will be right over and see you later on", I said.

Q. Now then, what was the joke that you were telling him? There was no joke in that.

A. Well, it's a joke because I had no right even to make -- I wanted to joke because a man of his character, he wouldn't even listen to items of that kind. I wouldn't go to him and say, "Are you interested in taking something?", I had to go joking or I would never have said it.

MR. WILSON: Q. Let us understand that. Feeley said there would be lots of money

available, didn't he?

A. No; no, sir.

Q. Did you not tell Shrubb, as he has sworn, that there would be -- that you told him there would be substantial amounts of money available?

A. Here is what I wanted to tell him.

Q. Just answer that question yes or no.

A. No, sir. No, sir.

Q. Did you say anything about money?

A. No, sir.

Q. You swear you did not?

A. Right. I swear I didn't.

Q. Your idea of conveying information that Feeley had given you, to Shrubb was inthe form of a joke?

A. Absolutely; it couldn't be anything else.

Q. Was putting it in the form of a joke going to protect Shrubb?

A. Because Mr. Shrubb wasn't going to receive anything, and neither was I.

Q. I suggest to you you were putting it in the form of a joke so you could, at a later date, if it was not accepted, say it is a joke?

A. No, no, no.

Q. Why would you put it in that way?

A. Why would I put it? Because I wasn't interested in making any proper (sic) connection where money was involved or being paid for things that weren't right.

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Q. But Shrubb, in his diaries, did not treat this matter, as you put it to him, as a joke?

A. It should have been because it was never brought up.

Q. Did he?

A. He certainly did when I went over to the Town House and talked. I never knew for years after that they telephoned each other. I didn't know that they telephoned hundreds of times.

Q. In 1956 he was not at the Town House, he was in Toronto.

A. The years since then, I haven't heard or phoned any more for five years. It's a long time.

Q. We are not talking of what happened after; we are talking about this particular proposition you put to Shrubb.

A. Right, right; and it was dead in no time. It died quickly, as quick as you could be dead and buried. As soon as the word was said it was dead.

Q. What would you have done if

Shrubb had said, "I will go along with your proposition"?

A. I would have said -- I would have said, "You go and handle it yourself, not me". Not me, sir. If I want to gamble, we will gamble openly; but not take money under the counter or over the counter.

Q. Why would you in a joking form, or any other form, pass on a gambler's proposition to Shrubb?

A. I told you before, knowing Mr. Shrubb I put it that way.

Q. I know, but why would you joke or not joke?

A. Joke or not?

Q. Why would you pass it on?

A. I passed it on to expect the words I knew would come.

Q. Did you say that you had not spoken to Feeley for five years?

A. He lived here -- When did Shrubbs come into Toronto, sir?

Q. Well, in 1954.

A. When I say five years, maybe I have had two telephone calls, which I would have had to have to see him in Toronto.

Q. Yes. You mean, the meeting in Toronto with Feeley at which time you introduced him to Mrs. Shrubb was after this

series of conversations you had?

A. Oh, long time after; a long, long, long after.

Q. I suggest to you you have been talking to Feeley in the last couple of weeks?

A. Couple of weeks?

Q. Yes.

A. Well, let's put it this way -- Let's put it this way: Mr.Feeley --

Q. Let's put it any way.

A. Mr. Feeley had called -- I didn't think that little minor items and that would be important. There was nothing wrong. The man called up and says "How are you, Lloyd?" "Fine, thank you." I said, "I am sorry to hear about your -- I am sorry to hear about -- I am sorry to hear about what has come up, how you involved Mrs. Shrubb". I am greatly concerned -- I was greatly concerned when it was in the court room, all you people looking at her. If you know her as well as I did you would pass it out. We are men in here; she is a lady.

THE COMMISSIONER: Maybe he could answer your question now.

MR. WILSON: Yes, I think we might get to it.

Q. When did you talk to Feeley?

A. Mr. Feeley called me about

two weeks ago and he said, "How are things?". I says, "Fine, thank you". I said, "How are you getting along?" and -- Oh, by the way, he did tell me that he was sorry to have had Mrs. Shrubb on the phone. And I said, "I thought you were more of a gentleman." And that's all. As I said before, I can't stop Mr. Feeley from calling me. There has never been anything between us, please believe me. When theman calls up, and Mr. Feeley has done me no harm. I am sorry, he is in this set-up because he has always been -- I should have told you about the call but I thought it was petty. He called me. He asked me to come down to the hotel and I said, "No, I don't want your phone number and I don't want to know where you live because it's not in order". Apparently bringing Mr.and Mrs. Shrubb up here and carrying on the way isn't for me to join things -- that's not playing the game.

Q. Did he tell you a couple of weeks ago on the phone he wanted to talk to you about your evidence at this Commission?

A. Pardon?

Q. Speaking to you on the phone?

A. No, this is long before that.

Q. Long before he told you about your evidence at this Commission?

A. Right.

Q. When was that?

A. Oh, a month or so.

Q. Tell us the circumstances under which that arose?

A. Well, it was all in general. In fact, I didn't expect to be here because Mr. Shrubb had told me that the only reason I was here, and he was sorry to see me here -- he even asked the Commission if they would not have me on the stand because he took -- I didn't know Mr. Shrubb was taking notes every time I called him, and that's why I had to come here. But, as far as --

Q. A few minutes ago you said you had not talked to Feeley in five years. Now, --

A. Shall I say this? I didn't want to bring up the call that he made that time, which he wasn't fishing for anything; he just wanted to say hello. Why, I don't know. I wasn't his girl friend, Your Honour.

Q. A month and a half ago you had been subpoenaed?

A. Yes. I came down here and I sat here all day.

Q. Did Feeley call you before you came down here or after?

A. No, sir, he never called me on nothing.

Q. When was this time you spoke to him a month and a half ago?

A. He called up about Mrs. Shrubb and said, "Lloyd, I am not going to bring Mrs. Shrubb, I am going to deny everything she said to me and I will even deny I went out with her". I said, "That's being a man because you cannot intimidate a woman of any kind".

Q. He was going to deny?

A. Yes; he wasn't interested in Mrs. Shrubb. The next thing you know it is in the paper. A man, even if he is right or wrong, cannot permit a woman to be in this case.

Q. Did he ask you what you were going to say about Mrs. Shrubb?

A. What I was going to say?

Q. Yes.

A. I have nothing to say about Mrs. Shrubb.

Q. Did he ask you about what you were going to say about Mrs. Shrubb?

A. First of all, would he know what I would do to answer anything?

Q. He told you he was going to deny --

A. I was surprised, what I saw in the paper.

Q. Listen to my question. He was

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going to deny everything she said to him?

A. Yes, he was going to deny ever going out with her, which I was surprised, that this woman ever did went out with him.

Q. What else was he going to deny when he came here to give evidence?

A. I don't know. That is all he said. Why he told me, I don't know.

Q. Why did he call you?

A. I don't know. As I said before, I am not his girl friend. Perhaps if he liked -- he said my part of -- I am in the textile business. I wish more people would like me, but not on that basis.

Q. Now, then, that is two calls you had, did you, two telephone conversations with Feeley in the last two months?

A. Right.

Q. Have you told all the truth?

A. That is all the truth. Like, I may have to go around, to look to the window, for to -- Well, it takes a little while to sum up everything, especially when you are not interested. This is not important, bringing back all this information and gabble, gabble. If it was, I would have to know everything, but I let it die, please believe me.

Q. What is your attitude towards the administration of law and the activities

of the police in putting down gambling?

A. Let's put it this way --

Q. Put it any way you like.

A. If I was in charge of gambling you wouldn't be here, sir, because things would be straightened out to run better. Thank you. I mean that sincerely.

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Q. Now, would you just answer my question. I just want to know your idea towards the administration of law and the enforcement of law in this country so far as gambling is concerned.

A. First of all, I went in, I went into Cooksville --- First of all -- Do you mind? You didn't like me talking before, your honour.

THE COMMISSIONER: Go ahead.

A. Thank you. Let me put it this way, when Mr. Peeley came to the office -- apparently he was known in television as a bad man -- right? Not far away is a police officer who is a law to himself, a great big 260-pound man. There was a man willing to give himself up. If he was --- If he is so corrupt, he was going right to Mr. Shrubb and telling Mr. Shrubb -- at that time going to tell him -- he is only a little fellow. Mr. Shrubb could hold by the trousers and take him over to jail. But no.

However, when, when we went down to his club and I saw all those respectable men gambling, I have no right to speak of this man. You may know them, your honour. You have to give those men credit, they were gambling there, and half a mile away were twenty or thirty cars belonging to the O.P.P., is it? There is a place where the highway

patrol - how far away is it, they roll the stuff?

THE COMMISSIONER: What stuff?

A. Where they roll the dice.

Q. I don't know. How far is it?

A. How far is it where the C.P.P. is?

Q. I do not know.

A. You have twenty cars with three in each. But this was such a -- on seeing it -- you go in and see the charter and pictures of intelligent men -- they know what they are doing.

Q. You are hurting my ear the way you are yelling. Modulate your voice a little.

A. You asked me ---

MR. WILSON: Q. I still want to know if you think the laws of this ---

A. They are very bad.

Q. Do you believe that they should be enforced or not so far as they relate to gambling?

A. Enforced properly.

Q. Enforced according to the letter of the law?

A. Yes, to the letter of the law, with -- Well, if Mr. Feeley was a bad man -- a minute ago when you were talking of these raids, I could have closed Cooksville up, had Feeley in jail in two seconds. If a man is

so bad as he is supposed to be, flutters around a like a little chicken, why isn't he gobbled up and put away without the police, everyone running all over the country, without paying you $50,000 a year. I could do it for $500. And Mr. Feeley, McDermott could be put away nicely. Then you could have all this. This has been going on - people have been paid, and they could -- so-called good intelligent men like you could bring this to an end in no time. Don't forget I am a British subject and I know British laws, they don't go on that way all the time. This costs money. But you asked me, didn't you?

THE COMMISSIONER: No, I didn't ask you.

A. Turn down his operation. So, let's put it that way ---

MR. WILSON: Q. On the three occasions you were at Cockeville, a bank game was in operation?

A. Yes, the game was in operation.

Q. And you know enough about gambling ---

A. No, I don't, just enough about gambling - perhaps I can call --

THE COMMISIONER: Witness, I think we have gone about far enough. This is not an auctioneering room. You don't have to stand up there and yell until you shatter the timbers of this building.

THE WITNESS: This gentlemann said I was

a gambler.

THE COMMISSIONER: Modulate your voice, and pay attention to what you are asked, and don't start roaming off on some side matter.

THE WITNESS: Right.

MR. WILSON: Q. Now, when you were there in Cookeville, a bank game was in operation?

A. Right, sir.

Q. The way you look at the law, and this is what I think now, you would think that is quite proper?

A. That's --- Those same men who were there ---

THE COMMISSIONER: Q. No, did you think it was quite proper?

A. It must have been allowed, sir.

MR. WILSON: Q. I am asking you whether you considered it to be proper?

A. To a point. But what I have seen in England, and in other countries, it is in order.

Q. It is in order. That is what I thought you felt about it.

A. Well, I mean ---

Q. Now, after you had completed your idea of a joke on Shrubb by conveying to him what Peeley had talked to you about, did you have other discussions with Shrubb about the same thing later on?

A. No.

Q. Well, then, when Feeley arranged an appointment to meet you in Toronto ---

A. Right.

Q. --- he came to discuss the same thing, didn't he? The suggestion that possibly Shrubb would be interested in co-operating with him in his operation?

A. I arranged with Mr. Shrubb to tell Mr. Feeley for all time this is out. They hadn't met yet. Unfortunately they hadn't met yet.

Q. You say they hadn't ---

A. They hadn't met yet.

Q. When do you say that Feeley and Shrubb met, to your knowledge?

A. Well, Shrubb said that Mr. Feeley had called him up on numerous times. I don't know whether they --- Wasn't it in the paper, Mr. Feeley had his car parked out at their apartment a long time ago?

Q. You are not suggesting at the time you had the appointment with Feeley in Toronto, at which time you introduced Mrs. Shrubb to Feeley, that Shrubb didn't already know Feeley?

A. Only by phone call.

Q. Only by phone call?

A. Right. That is what I think.

Q. Yes. And just tell me what was ---

What was in your mind when you arranged to introduce Mrs. Shrubb to Feeley?

A. I told Mrs. Shrubb that Mr. Feeley was there. And there was nothing, nothing spoken. So, apparently ---

Q. Tell me, tell me what was in your mind, why were you doing this?

A. Mr. Feeley -- I called up Mrs. Shrubb and said, "I am here with Mr. Feeley, he hasn't met your husband yet." You see, first of all, if she hadn't said she was coming downtown I don't suppose they would ever at all met. She said, "I will come down right away. I have to ~~x~~ go to Eaton's or Simpson's." And unfortunately if she hadn't gone to Eaton's and Simpson's, she wouldn't have come down. And I didn't drink myself, and she maybe just wanted a drink off Mr. Feeley. But as far as, as far as making any arrangements for any of that talk of that kind, that was out, sir.

Q. Well, at that time you introduced Mrs. Feeley --- Mrs. Shrubb, to Feeley, there wasn't any question in your mind about the operation that Feeley was involved in?

A. What do you mean by "operation"?

Q. By that time you had been out to Cooksville, the Veterans Club?

A. Well, it is only -- yes, I had been. I could see it. You have been to England,

have you, sir?

THE COMMISSIONER: Don't ask questions, answer them.

THE WITNESS: I am sorry.

THE COMMISSIONER: What differences does it make whether he has been to England or not?

THE WITNESS: When you go to England ---

THE COMMISSIONER: Never mind what happens when you go to England.

THE WITNESS: I just want to give him the difference in places.

THE COMMISSIONER: All right. We will deal with this.

MR. WILSON: Q. Long after the first contact Feeley made with you, you were still willing to meet with him and still trying to facilitate some arrangement with Shrubb?

A. Mr. Feeley called me and said, "I want to meet the man". I said, "Why don't you go and meet him?"

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Q. And you made ---

A. Because I don't know why ---

Q. You knew what he was after?

A. I knew what he was after. And I knew if he wasn't careful what he would get. This has two sides to it. I had told you previously ---

THE COMMISSIONER: Just a minute, Mr. Wilson.

Q. What did you think he was after?

A. Tybee if he could talk to him.

Q. About what?

A. Stop -- stop --- Instead of knocking down the door, go around the door.

Q. All right. Could you put it any other way?

A. To go easy on the place.

Q. Yes?

A. Right.

Q. I want to know your idea what Feeley was interested in getting Shrubb really involved, to use your language?

A. Your honour, I don't know. I don't know what people do in the end. If a man travels for you, you give him a commission. I don't know what happens in life.

MR. WILSON: Q. Did you know that Shrubb was going to be transferred to the anti-gambling branch before he left Chatham?

A. That is why I mentioned about I heard him talking in the Town House. There was a chap from Detroit asked him if he wanted that job.

Q. Asked him if he wanted which job?

A. Into the anti-gambling.

Q. Who was the man from Detroit?

A. Had been to Detroit. He had been to Detroit for a meeting. I think he lived

here. I don't know what his name was. It wasn't Stringer. I don't know the chap's name. But they were sitting in there talking.

Q. How long was this before he was moved to Toronto?

A. Oh, long -- I would say two or three years.

Q. And how long before Shrubb moved to Toronto did Feeley contact you in Chatham?

A. Oh, that is what you asked me. I like to answer properly, but as I said before, I am doing the best g I can, but I don't remember.

Q. And did, to your knowledge, Shrubb have anything to do with raids onthe Roseland Club in Windsor?

A. I don't know anything about that, it is only down here.

Q. Did Feeley say anything to you about the Roseland Club?

A. Not one word, sir.

Q. What clubs did he tell you he was interested in that made it important for him to meet Shrubb?

A. Cooksville.

Q. Cooksville?

A. Right.

Q. And this is sometime before Shrubb moved to Toronto?

A. Yes.

Q. Did Shrubb tell you who was instrumental in having him moved to Toronto to the anti-gambling branch?

A. Did Shrubb ---

Q. Did Shrubb tell you, or Mrs. Shrubb tell you how it came about that he moved to the anti-gambling branch?

A. I don't know, sir. No, I was never told, That, too, you must remember, not because I can't answer, it is not a lie, I don't know, sir.

Q. You don't treat this as you say Peeley told you he was going to treat it, he was going to deny things?

A. I beg your pardon?

Q. You are not here to deny things?

A. No. To deny what?

Q. Regardless ---

A. No, it doesn't make any difference. I am not protecting anybody, sir.

Q. Now, what knowledge did you have, if any, of the possible move of Shrubb to Peterborough?

A. Can I go back a little, can I go back to make the subject right?

THE COMMISSIONER: Yes.

A. You see, when Mr. Peeley came to me I had to ask him whether any other people give him -- looking after him. Were they

important men to allow what he was asking to be done? You see, you have to ask. That I was told yes.

Q. What?

A. Yes, there was no trouble.

Q. I am sorry, I don't quite understand you.

A. There was no trouble. All right.

Q. You had to ask if there was any other people what?

A. I asked Mr. Feeley if there were men - you see, as we grow older we know there is a word "protection", your honour.

Q. Yes, we have heard of it.

A. We have heard all over in many cases.

Q. You asked him what?

A. I asked if Mr. Feeley had any protection.

Q. Yes. And what did he say?

A. Yes, apparently he had a few friends. That is all.

Q. Yes.

A. So, your honour, why I asked that question was to protect also Mr. Shrubb. Because, you see, I wanted to kill it right there. If Mr. Shrubb, as I told you before, wanted to do something to Mr. Feeley, he should have. When I called him so many times it wasn't for the fun of it. It was to

let him go and see Mr. Feeley. And in a nice way to say, which I asked Mr. Shrubb to do, please tell Mr. Feeley you are not interested in the gambling, and if he does make any remarks of paying anybody he will have to be picked up. Mr. Shrubb says to me that, "Lloyd, you don't understand law." Because, it was my intention that we meet at the Seaway, that Mr. Shrubb, that Mr. Shrubb say to Mr. Feeley, "You are talking beyond bounds". That is all I had to say.

Q. You are doing better now. Just try to improve as you go along.

A. You will forgive me, will you?

Q. Yes, I forgive you. Just a minute, Mr. Wilson. When was it you asked Mr. Feeley if he had protection from any other people?

A. The first time I saw him.

Q. That would be down in Chatham?

A. In Chatham, in the office. I didn't know things, the kind of people --- He came in and talked and talked. As I said before -- you would have taken him in your study, too, your honour.

Q. I see. All right. He would be a good man. Did he enlarge on that. Did he say where it was coming from?

A. No, no.

Q. Did you ask him?

A. I always ask questions. Yes, I asked him.

Q. What did he say?

A. Well, he said -- He didn't say anything. What I wanted the answer for was to phone up Mr. Shrubb ---

Q. No.

A. He didn't answer me.

Q. He didn't tell you where it was coming from?

A. No.

Q. That was when you first met him in Chatham?

A. That is when he came in there. He asked me if my name was Bags Lloyd - they call me Bags Lloyd, I make bags - he said, "Can I talk to you?" and he sat down.

Q. We are getting along. You met him again. What is the name of the hotel?

A. The King Edward.

Q. The other one?

A. The Seaway.

Q. The Seaway Hotel?

A. The Seaway Hotel.

Q. The Seaway Hotel.

A. Yes, he called at the office. He called at the office to see where I was. And fortunately I was at the Seaway. That is what I started -- and it was the same with the King Edward. I was at a meeting with some

other people on -- in the hotel -- now, where they have the big smorgasbord - it was on Jarvis, the Westminster.

Q. The Town and Country?

A. The office told him that is where I was conducting a meeting. That is when I met him at the King Edward Hotel. If I hadn't been at the King Edward, Shrubb wouldn't have got that call.

Q. You met him at the Seaway Hotel?

A. Yes.

Q. Did you meet at the Seaway Hotel before you met at the King Edwards?

A. Oh, a long time before that.

Q. A long time before that. Now, just a moment.

A. Sorry.

Q. Now, how long after your talk with Feeley in Chatham was it that you were with him out at the Seaway?

A. Oh, perhaps a year or so, sir.

Q. Perhaps a year or so?

A. Perhaps more than that.

Q. If I understand you, and you, of course, correct me if I am wrong, you met atthe Seaway because he telephoned you?

A. Yes.

Q. Telephoned your office?

A. Yes, that is where the meeting was,

in the room there.

Q. What did you talk about there?

A. Oh, nothing, just waiting for Shrubb.

Q. Just waiting for Shrubb?

A. Yes, because ---

Q. Just a moment.

A. I am sorry.

Q. Who arrived at the Seaway Hotel first, you or Feeley, or did you go there together?

A. No, I was already there.

Q. You were there?

A. Yes, at the meeting.

Q. He came and met you?

A. Yes.

Q. And where did you carry on this talk with him,up in your room?

A. No, I had no room, it was just ten or twelve men, there was no room, a general meeting.

Q. Where in the hotel did this take place?

A. One of the rooms upstairs, no bedrooms, just a table.

Q. Sort of a dining room?

A. They fix it up for a conference room.

Q. A conference room?

A. Right.

Q. What did he say to you then?

A. Nothing.

Q. Just a moment.

A. Sorry.

Q. I thought perhaps you might have asked him, knowing why he wanted to

cc/3 meet Shrubb?

A. We hadn't met. I don't know why. We hadn't met.

Q. You knew why he wanted to see Shrubb. Did yp you pursue the matter then further?

A. No.

Q. And ask him if he was getting protection from any other source?

A. No, no, that was out. I didn't bother any more.

Q. You didn't bother any more?

A. No, because I didn't want no part of it. But Mr. Feeley kept calling and he said, "I haven't met Mr. Shrubb". I said, "You haven't." If they had met that first time in Chatham, that would have been the end of it.

Q. Right.

A. God damn, if he had been in it would have been all over.

Q. All right. How long did you wait for Mr. Shrubb?

A. About an hour. I called him up

when I got back and I said, "Why didn't you keep your appointment?". He said he saw my car there. He said he saw my car there, he couldn't find me. He was there with two other officers. That is it. So, I got in my car and I moved on.

Q. He kept you and Feeley waiting there for about an hour?

A. But he had, he was ---

Q. No.

A. I presume we were there an hour. I went looking around, around the corner to see if I could find Shrubb, expecting him to come from that corner or this corner.

Q. I suppose Feeley, as well as yourself, was disappointed that the meeting hadn't amounted to anything?

A. You see, if Shrubb had turned up, I would have gone on and let those two have their meeting or boxing bout, whatever result would come.

Q. I see. Now, what did you and Feeley talk about?

A. Nothing at all.

Q. Now, now, now.

A. No, after all is said and done, I wasn't interested in how he was dressed, who he goes out with. I have no interest in his business.

Q. Have you any recollection of what

you talked about?

A. I might have said it was a nice day; I wish Shrubb would come. Or shall I say ---

Q. Did you ask him how he was getting along with the club?

A. Well, he was there. If that is ---

Q. Did you ask him how things were out at the Centre Road club?

A. If my own business was poor I would not have asked. I never asked him a thing.

Q. You never asked him?

A. No.

Q. You can't recall anything else?

A. No. What difference does it make, he didn't give me 50 cents. I didn't owe him anything. He doesn't owe me anything. Is that all right, sir?

THE COMMISSIONER: Yes. All right.

MR. WILSON: Q. Did you have any reason to co-operate with Feeley?

A. None whatsoever. Please believe me, not no reason whatsoever. Neither, neither have I any reason to stab Mr. Feeley in the back or Mr. Shrubb, or anybody in here.

Q. What do you mean by that, could you stab ---

A. You see, first of all, first of

all I didn't let Mr. Feeley be dramatic with me with what he had in mind. It was stopped unless he got to the office or if he was there. Please believe me, because I don't want what Feeley has got and he don't want what I have got. If Mr. Feeley owed anything to me, or made any loan it would be outspoken right here to help the Royal Commission. I am here for the Royal Commission.

THE COMMISSIONER: Good for you.

A. And if you are seeking evidence you would have it.

THE COMMISSIONER: Well, I am.

A. And I would give you all the evidence I have. But I can't make it up. Mr. Feeley was always a gentleman to me, and so was Mr. Shrubb and Mrs. Shrubb, and I can't hurt anybody.

THE COMMISSIONER:

Q. Let us have a ten minute recess.

---Short recess.

MR. WILSON: Q. I asked whether you had been advised in advance of the decision of Shrubb to take the job in Peterborough?

A. No, I didn't know anything about it.

Q. Didn't Feeley tell you about that?

A. No.

Q. You deny that?

A. I deny that. Why would I ---

Q. Okay.

MR. WILSON: I think that is all at the moment, Mr. Commissioner.

THE COMMISSIONER: Mr. MacKinnon?

EXAMINED BY MR. MacKINNON:

Q. I understand you to say, witness, that you were introduced to Feeley by a local farmer; is that what you said?

A. No, I said I took a local farmer to Cooksville.

Q. This is after you first met Feeley?

A. Yes.

Q. Feeley just walked into your office?

A. Feeley just walked into my office.

Q. Off the street?

A. Night.

Q. Did he tell you why he picked on you?

A. He just came in and said, "Hugh Lloyd?" and I said, "Yes". I said, "No, my name is Donald Lloyd." He said, "Well, I would like to have a talk with you."

Q. Did he ever explain to you how you happened to be the one selected for his interview?

A. I don't know why.

Q. You never asked him, "Why did you pick on me?"?

A. Never asked him at all, sir.

Q. Your curiosity wasn't aroused in that connection?

A. I have many men come in that way.

Q. Many men?

A. Many men come in for loans.

Q. Come in and suggest to you maybe you could arrange ---

A. No.

Q. --- for a meeting with a Provincial Police constable?

A. No one before that.

Q. Or since?

A. Or since that time.

Q. This was quite an extraordinary thing?

A. Right.

Q. And you say you never asked him any questions?

A. Yes, I did.

Q. Fine. Why he would pick on you?

A. He asked if I knew Mr. Shrubb. He had the answer.

[illegible]

Q. Well, there were a lot of people knew Mr. Shrubb?

A. I am sorry, Mr. Shrubb was running the Town House for me.

Q. And he said that was the reason? Did he state that?

A. No, he didn't state that. He didn't state that, no, sir.

Q. Had you been to his gambling establishment or any gambling establishment run by him?

A. What do you mean?

Q. Prior to this date, prior to him walking in?

A. Three times after.

Q. After. But you never had been to any establishment of his before that?

A. Never.

Q. I was interested in some of your answers in that connection. You said something about you wanted to pass it off as a joke, or at least do what Feeley had requested that you would do, but do it in a joking fashion so that nobody would be dead on the floor. That is the answer you gave. Who was going to be dead onthe floor,Shrubb or Feeley?

A. Feeley.

Q. Feeley. I see.

A. Yes.

Q. Were you at all frightened of Feeley? You were just doing this as a favour to him?

A. There was no -- I was going to bring it -- it was going to be cut off immediately by the way I was going to speak to Mr. Shrubb.

Q. What disturbs me, why didn't you cut it off with Mr. Feeley?

A. I had a message, I had a message to give Mr. Shrubb. I don't know why I didn't ---

Q. Why would you act as a messenger for a complete stranger?

A. Well, he -- he talked very businesslike. He wasn't -- had he been a -- had he been not a well educated man, or something to that effect, or had no appearance, perhaps I would have passed it away. But this man many years ago --- I mean, he looked like -- he looked like a business man.

Q. Well, he was a business man in a way, wasn't he? I take it his approach to you, from your evidence today, didn't shock you in any way?

A. Well, I am fifty-four years of age and a lot of shock has been taken out of me.

Q. That is what I mean. I take it that you feel that for a gambling operation

of this kind to continue, it does require that there be a certain amount of graft or protection?

A. Ah, not -- perhaps beforehand, but not coming forward ---

Q. Just explain that.

A. You ask me the question again, will you, please?

Q. Well, I take it you expected, or expect that for a gambling operation of the kind that we had at Cooksville to continue operating, there had to be some body paid off?

A. There had to be some protection.

Q. That is right.

A. Yes.

Q. So, it didn't surprise you or shock you that one of the ways of getting that protection would be for Feeley to come to you and have you make the first overtures to Mr. Shrubb?

A. Not ---

Q. Pardon?

A. As I said before, as I said before, when he came to me he didn't know that it was going to be ended so quickly.

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cc 4

Q. That is not my question. All I want to get is that you weren't surprised or shocked by this approach by Mr. Feeley. You have almdy told Mr. Wilson you knew very well of the ---

A. It took a little while. He sat there for twenty minutes or so. We were talking about ~~xxx~~ things in general before -- he would ask me how I liked Chatham. And I asked him where he came from. He didn't just come right in to the discussion. I asked first of all, I asked him to come and sit down in the office and make himself comfortable. I didn't know what he had in mind.

Q. You were so little shocked you indeed asked him if he had protection. That is what you told me.

A. When he started going into the story of the operation I asked him how could this go on unles hee -- unless there was some help from the higher up.

Q. And haven't you made this statement to a police officer, that Feeley told you on one occasion he told you this, that he, Feeley, was taking $2,000 a month to someone at Queen's Park?

A. It wasn't mentioned, it wasn't --- It was -- I had put it to him, perhaps, whether any envelopes were given

out. No amount. Leave out the amount.

Q. Feeley told you he was taking money, didn't he?

A. Yes.

Q. Yes.

A. I think -- I think he made that remark that he was -- that -- if we had gone into the question that perhaps there was money being taken to somewhere.

Q. At Queen's Park was the expression used?

A. I had asked, I had asked what part of the -- of the -- of the Force was helping out?

Q. What do you understand by Queen's Park?

A. Well, the Crown Attorney.

Q. The Crown Attorney or Attorney General's Department?

A. Whoever is in charge. I don't know the man -- whoever is in charge. I don't know the man involved.

Q. Did you ask him any further questions about this?

A. No, but ---

Q. It would be an interesting subject, wouldn't it?

A. Well ---

Q. Pardon? Just think now.

A. You see -- but -- at the --

in this world of ours today the devil is in most of us and it is hard for me to answer what, what you would have asked. I don't know, it is a long time, it is a long time. I was only seeking information perhaps so as to pass it on to the gentleman I knew pretty well, Mr. Shrubb, and then bring it to a head. That is all.

Q. Is that your position that this information that money was being taken to Queen's Park really didn't shock you, you expected it, and that is why you didn't follow it up. Is that what you are telling us?

THE COMMISSIONER: First of all let us get it clear. Did Feeley tellyou he was paying money to someone at Queen's Park?

A. Leaving out the word Queen's Park, he was paying.

Q. Which was it?

A. Perhaps it was Queen's Park or higher up. I don't know, sir. Perhaps Queen's Park. He was paying them money years ago. It is nine years ago. And as I said before I didn't, I didn't -- had I been checked about a year after, but nine years after, I am sorry.

MR. MacKINNON: Q. Are you telling us you didn't have any other discussion with Feeley about payment of money to people he

was paying?

A. That was all, that was the finish, the finish. That was the finish, sir. That was the finish.

Q. Did he tell you about other expenses that he had?

A. No. No, nothing at all, sir, nothing at all. We were not that personal. I mean, it was only a fly-by-night visit.

Q. You said he called you many times. I have got your evidence here.

A. He called me to see when we could get to meet Mr. Shrubb. And I said I didn't know.

Q. And you had been to his Club at least three times?

A. I went three times in at least four or five years.

Q. Let me put this to you. You asked the question as to his protection, or as to his friends — I am sorry, as to the friends that Feeley had, meaning the higher ups?

A. That is it.

Q. To protect Mr. Shrubb is the words that you used?

A. No.

Q. To protect Mr. Shrubb?

A. No. -- What do you mean to protect ---

Q. I don't know, I just wrote down what you said.

A. I was going to see Mr. Shrubb.

Q. So, your purpose to ascertain who Feeley's powerful friends were was that Mr. Shrubb wouldn't get into any trouble if he took on Mr. Feeley, or if he didn't go along with Mr. Feeley?

A. So Mr. Shrubb would know where he was.

Q. And by knowing where he was, you mean be realistic about it?

A. Then Mr. Shrubb, if he thought, if he thought -- if Mr. Shrubb thought that -- Mr. Shrubb could pay a visit to those who were giving protection and say -- when he made the raids it would be understood ---

Q. Just a moment. So he would know where he was. Do you mean Mr. Shrubb would then go to these higher ups and say "Have you been taking money from Mr. Feeley"?

A. That is what I wanted him to do.

Q. It is not very realistic for a corporal to be going to these higher ups, as you describe them, and ask them if they have been taking money. Wasn't the purpose -- let's put it plain, witness -- there would be no point fighting Feeley, he couldn't beat him, he might as well join him?

cc/5

A. Well, Shrubb would never join them, regardless of money. Money, no, you couldn't bribe Mr. Shrubb, not five cents.

Q. We agree. But the point I am making, wasn't the purpose of getting this information, as you say, for Shrubb, there was no point in fighting these people, they were too powerful?

A. No, sir. No, sir. No, sir, you are thinking wrong, sir.

Q. You just wanted this so he would know where he was?

A. Mr. Shrubb was a man, the law to the letter. If he had gotten hold of Mr. Pooley years ago in the proper manner this would have been all over with today. Why it wasn't, I don't know, sir.

Q. You have left us with the impression, or the view as to the reason why it wasn't, because these people were protected?

A. What do you say, protected?

Q. The reason Pooley and McDermott were not put out of business was because they had powerful friends?

A. Mr. Shrubb ---

Q. Isn't that right?

A. Yes.

Q. Isn't that your view?

A. Just a moment. After Mr. Shrubb had told me that lots of his records to the

department were missing. That is all I know, sir.

Q. That is not your answer to Mr. Wilson.

A. Yes. But Mr., Mr. Shrubb did tell me this when I gave him the information to see Mr. Feeley, to tell Mr. Feeley straight that this, that this, you can't go around asking people that you will accept this. Just get hold of him in a nice way. If he had been at home I would have brought him to the office and they would have talked it over. They would have gone out. I would have had to make a little joke of it, because I didn't want no fight.

Q. And in these visits to Mr. Feeley's clubs, or club, you saw what was going on?

A. Yes.

Q. You said there was very substantial people there?

A. Yes, I did. I was surprised.

Q. Were there very substantial amounts of money on the table, I take it?

A. No money, just chips. They played with chips.

Q. What were the value of these chips, $50?

A. You could get one, two, five, ten, anything like that. They had different

coloured chips.

Q. Would you have any idea how much would be in the pot at any one time?

A. There was no pot. Each man, like, each man --- You have played dice, have you? Have you played dice, your honour?

THE COMMISSIONER: No.

A. You have never played dice in your life, your honour?

THE COMMISSIONER: No.

A. I have good friends, lawyers like you, who pretty near taught me in my old days, college men, Queen's men, we used to go into a rooming house, and they knew how to play dice. A man could shoot a dollar or $10.

MR. MacKINNON: Q. I gather your view is these men could well afford their losses, these men who were playing there?

A. The man -- that is why your honour tried to push me out. Yes, I figured you might as well leave them there, the same boys could go to Las Vegas or London overnight if they wanted to gamble. That is why his honour stopped me and got mad at me.

Q. You knew this was illegal under the Criminal Code?

A. Oh, yes, illegal. But when I saw the pictures -- before I went in, I looked over the pictures of the men.

Q. Mr. Fleschuk?

A. No, English people. There was no "chuck", and no "za, za, za". Good men.

Q. Good men with criminal records.

A. Oh, no.

Q. How do you know?

A. I looked at these men, soldiers.

Q. That is what it said.

A. That is why I looked it over when I went in.

Q. Don't make statements of fact what these people were, we know what they were.

A. No, there were Browns and James, something to that effect. That is why I respect them. If it had been any "chuck, chuck", I wouldn't have gone. That is why I was stopped by these men, big people, men, stockbrokers from Bay Street.

THE COMMISSIONER: Q. Did you identify them?

A. I would ask, "Who is this?", when I saw a man who looked very prominent like that, your honour. I would say, "Who is that?".

Q. Who would you ask that of?

A. One of the men. He would say, "He is a man from Bay Street", you see. If he is a very informed man, I am only a pauper.

MR. MacKINNON: Q. Was there any man there you knew?

A. I just saw Mr. Feeley for a minute.

Q. Were there any politicians there?

A. If money meant anything, they were all politicians.

Q. I mean in the ---

A. They were all well dressed.

Q. They weren't playing for peanuts in this club?

A. No. And you had to have ability to go to the club.

Q. You mean financial ability?

A. And also it takes ability to make money. And where they go, I don't care.

Q. What sort of an interest did Feeley tell you he had in this club, half interest?

A. I was there one night -- I was there three times. This one night I make it a habit to look around and see what is going on. And Mr. Feeley did tell me this one night he was having -- he thought he wouldn't be here long because someone was trying to push him out of the business.

Q. Did he tell you who it was?

A. Some of his partners.

Q. Who were they?

A. Oh, I don't know who they were.

Q. Joseph McDermott?

A. No, I wasn't interested. In fact, I just met Mr. Feeley. He said, "Would you care for a drink?". I said, "I don't drink." I had a sandwich and a bottle of pop. He asked no questions or anything about money. He said to me -- Johnny Wilson, Johnny Wilson won $200. We went back home. Johnny Wilson said, "Isn't that wonderful?".

Q. You didn't play?

A. I lost ten. I was -- I waited, the next round I won it back. I was joyful. CC/5 And I said, "That's all".

Q. You were there. Have you talked to anyone on the phone, particularly in the last month, to a man who said he was Joseph McDermott?

A. No. Just Feeley twice. He said, "How are things" and I said, "How are you feeling?".

Q. Just a little friendly long-distance social call?

A. Yes. As I said before, I was, I was hurt that, that he brought Mrs. Shrubb into -- even Mrs. Shrubb had been out with him. I was very disturbed about that. I didn't think that would go that far.

Q. Now, you were interviewed a little while ago by Corporal Smith, were you not?

A. Yes, he has been in the office twice.

Q. And I suggest to you that you told Corporal Smith that you had been informed by Mr. Peeley in advance of the appointment of Mr. Shrubb as Chief Constable at Peterborough before anything was publicly known. You told Corporal Smith ---

A. I ---

Q. Do you understand the question?

A. Yes.

Q. Would you like me to shorten it?

A. Go ahead.

Q. My statement to you is that you told Corporal Smith that Peeley had told you about Shrubb's appointment as Chief Constable at Peterborough before there was any announcement of it at all?

A. Not quite that. Mr. Smith, I think, is an O.P.P. He came in ordinary dress, or in police uniform. I welcomed him. We got talking. The two girls were in the office, they could have heard. He asked questions and I answered in the proper way. And then he came back again. And apparently there were reports he would send in here. But it was -- it was -- I was also informed a few times before that Mr. Peeley knew what was going on.

THE COMMISSIONER: Q. Who informed you of that?

A. Pardon?

Q. Who informed you of that?

A. You see, Mr. Feeley every time --- Not the last two times, but apparently they seen --- They knew certain things were going to happen, such as a man transferred, taken out of the department.

Q. Who told you that?

A. Mr. Feeley told me.

Q. Was that before you went out to the Seaway?

A. Yes. That was a common occurrence, because ---

MR. WILSON: I can't hear you.

THE WITNESS: Sorry.

THE COMMISSIONER: This was sort of confidential.

MR. WILSON: It was confidential on the point he gave another story to me.

MR. MacKINNON: I think it is rather ---

A. We are trying to ---

THE COMMISSIONER: Just a moment. These lawyers interrupt you. Forgive me. I want to get this clear.

A. You are not mad at me, are you, your honour?

Q. No. What did you tell me about Feeley?

A. Well --

Q. Just a moment. You haven't heard my question. What did Feeley tell you about knowing about people going to be moved? I don't quite understand you.

A. Well, when Mr. -- You see, every time I tried to get hold of Mr. Shrubb when Mr. Feeley would call me, they would know where he was.

Q. Who would know where he was?

A. Feeley would know where he was. They would know any part of the country they were. I couldn't understand why that was. Why that was. And I told Mr. --- I called up Mr. Shrubb and asked him how he got the job in Peterborough, because I heard some funny remarks. He said "I worked for it, I passed the examinations to get it." I don't know. I only asked Mr. Shrubb what ---

MR. MacKINNON: Q. But it was Feeley who gave you that information so you could ask Shrubb?

A. No, no, no. It was just a rumoured thing, I suppose ---

Q. Who told you?

A. Mr. Feeley.

Q. That is just what I asked.

A. Only in conversation. They seemed to know that -- Well ---

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Take DD
N.Q.

Q. You had -- they seemed to know?

A. They seemed to know what was going on. It was nothing.

Q. Did they tell you where they got this information?

A. No.

Q. You never asked?

A. Well, perhaps ---

Q. Answer the question.

A. I am old enough to know, I think I know where it came from. I surmised. Therefore, you don't have to ask if you surmise.

Q. Where all this information as to where these people were going and when they were being moved and all that stuff dealing with the Anti-Gambling Squad?

A. They knew sometimes when a man was going to be moved.

THE COMMISSIONER: Q. Did Feeley tell you that?

A. I think Feeley said he was told.

Q. Told what?

A. Oh, that so and so was going to be moved,nothing to my effect.

MR. MacKINNON: Q. Whom did you surmise this information came from to Feeley?

A. When Mr. Feeley had said a

certain party was going to be moved, somebody must have informed him for Mr. Feeley ---

Q. Higher up?

A. Yes, right.

Q. So you surmised?

A. Yes, that is why I said before; get ahead with it.

Q. And Feeley told you that whenever he wanted somebody moved, he would speak to somebody higher up?

A. No, no, he didn't say that. He said so and so would be moved. He didn't say he was going to have them -- he said when they were going to be transferred. I just figured, well, they have a lot of power.

Q. Would it be people who were getting into Feeley's hair, people who were bothering him at the club or clubs that were being moved?

A. That I don't know.

Q. You had no discussion about that aspect of the problem?

A. No, no, no.

Q. You had fairly friendly and lengthy discussions then with Mr. Feeley, didn't you?

A. Well, you can talk to a girl and be sweet, but you don't take her out.

Q. Why did you talk with Feeley?

A. One thing with Mr. Feeley. I just want -- he was easy to talk to.

Q. Did he call you long distance all this time?

A. He said, "Where is this Shrubb? Can I meet him?" I said, "Good Lord, haven't we met yet?" and I haven't introduced him yet.

Q. Coming up to 1958 ---

A. Yes.

Q. You are not suggesting he hadn't met Shrubb long before that?

A. I didn't know whether he had met him. I don't know whether they have met yet or not. He may have been down there twice, maybe more than twice. I have had a phone call to ask me how I was. I don't know why he asked how I was.

Q. You acknowledged to Mr. Wilson that on the first phone call about six weeks ago from Feeley, that you didn't discuss the evidence you were going to give here?

A. No, no, no, sir. He called up and he said, "How are you?", and then I went on about Mrs. Shrubb.

Q. You said or made the remark you were called by Feeley who was speaking to me about my evidence. Now, do you wish to change that?

A. About my evidence?

Q. That is right, your evidence

to be given here.

A. Yes, I said if they asked me that, I would say like -- there is ndhing I can say but what is the truth, whether it is right or wrong.

Q. Did he suggest maybe you should not?

A. No.

Q. You should twist your evidence?

A. He didn't ask about any twist or anything. In fact, I think the lawyer will admit at the time of the call he wanted to know if I would come to Toronto and have dinner with his lawyer and Mr. Feeley and I said no.

Q. Mr. Feeley or Mr. McDermott.

A. Mr. Feeley and the lawyer. That is Mr. Feeley and Mr. ---

Q. Mr. Rose?

A. Yes. And I said, "Look, I would be very glad to meet Mr. Rose. I have got nothing to say. If I come down there, you will put words in my mouth. If I stay away, I know what I have to say. It is very nice of you to ask me but I am not going".

Q.q Have you never met Mr. Rose?

A. The first time today. In fact, I had to ask who Mr. Rose was and I went up to him and said, "Are you Mr. Rose?". He said "Yes,". I spoke something to the effect that

Mr. Feeley had called me down here but I wouldn't go.

Q. Now when approximately was this conversation that you had with Feeley when he suggested that someone was trying to put him out of the club?

A. Oh, that was on the first time when I went. I was standing around waiting for my friend to leave the table. I went over and talked by the wall and I said, "How is things?". He said, "I am having a little trouble".

Q. When would that be, 1955, 1956?

A. 1955, 1956 -- I don't know.

Q. When was the first time you were at the club?

A. Oh, about five years ago.

Q. You haven't been there since?

A. No.

Q. But you say you have only -- since that call about six weeks ago from Feeley you have only spoken to him once since?

A. Once or twice.

Q. Once or twice?

A. Yes.

Q. What would be the ---

A. The last time he called was two weeks ago. He said, "I just ..." -- he said, "Will you please say something to make me smile?". I said, "I will say any

dmmn thing if it will make you happy". I said some funny remark. He said, "Thanks a lot, I feel much better".

Q. And he hung up?

A. Then he hung up. I don't tell dirty jokes.

Q. This was a long distance call from Toronto?

A. Yes, and I just said that and that was that. I was surprised.

Q. You said once or twice. Did he call you again to say "Make me smile again?".

A. This time he said, "I am awful blue". I said, "Why do you call me?". He said, "You are a likeable fellow". I said, "Thank you. I wish I had customers like that".

Q. Have you had a call from him within the last week?

A. I guess it was about two weeks ago.

Q. I know about two weeks ago.

A. Right.

Q. Have you had one within the last week?

A. No, nothing at all; no, nothing at all.

Q. Has he come up to see you?

A. Only once when he came to Chatham.

Q. But he hasn't come up ---

A. No. They have asked.

Q. They have asked to come up and see you?

A. Oh, absolutely.

Q. Why do you say he wanted to ---

A. I don't know, am I good looking?

Q. It is a question I would like to have answered.

A. It isn't my fault if they make that statement.

Q. By "they" you mean Feeley and McDermott?

A. No, Feeley.

Q. Why did you say they?

A. He said, "Shall I take a ride up?". I didn't know if he was bringing somebody.

Q. And this is since the Royal Commission started, this year, then?

A. No, no, not this year, last year.

Q. He has never suggested this year coming up?

A. No, last year. I don't know why, because I am not an entertainer. If you come, your lordship, I couldn't even give you a drink.

Q. You mentioned the name Stringer. Did you ever meet a police officer called Stringer?

A. No. When I was down at the Town House, I thought this chap said his name

was Stringer. He was over in Detroit on an F.B.I. case. I thought I heard him talking at the end of the lounge room there to Shrubb. He was offering him a job. Now, I don't know -- offered him a job on the Gambling Squad. That is all I know. They went out and I don't know whether -- what happened. He must have taken it. I spoke to him a lot but I never knew what basis he took it on.

DD2

Q. Now, Witness, is it true you also told the police officer you knew Vincent Feeley so well that you kept his name and telephone number in your wallet?

A. I kept his telephone number in my wallet?

Q. That is right.

A. Well, first of all, there was no reason ---

MR. COMMISSIONER: Q. Did you tell him that?

A. No, I didn't. If I thought he was going to talk that way, he wouldn't have come inthe office. My goodness.

Q. Did you tell him that?

A. No, sir.

MR. MacKINNON: Q. You never told any police officer that?

A. No, sir. My goodness.

Q. Did you ever call Feeley long distance?

A. I never called Mr. Feeley. What would I want to call him for? Your lordship,don't you want to protect me?

Q. That is not the point. I am asking the question.

A. I said no, I should say not. Haven't I been on the stand long enough to tell the truth? You have had one hour of truth out of me.

Q. That is all, thank you.

EXAMINED BY MR. ROSE:

Q. Mr. Lloyd, you say when Feeley first came into your office, he had a complaint to make. From the way I put you down, he told you he ran a place in Cookeville and why does this man make it -- referring to Shrubb -- make it a point to knock at my door all the time. Do you recall that being said to you or do you know what he meant?

A. That is summing it all up. It was that Mr. Shrubb had told me he had it in for Mr. Feeley and from what I gather, he was going down there perhaps -- after all, he was going down there and really giving Mr. Feeley a lot of punishment.

THE COMMISSIONER: Q. Where?

A. Down to Cookeville.

Q. When?

A. During the raiding time. I don't know, he was there quite often. I don't know why. It was none of my affair.

MR. ROSE: Q. Do I take it from your evidence, Feeley indicated to youthat Shrubb had been to the Cooksville Club on numerous occasions?

A. Right.

Q. And was causing him trouble and annoyance?

A. Yes.

Q. Did Feeley seem to consider he was being harassed unjustly by Shrubb?

A. To tell you the truth, yes, I would say so. I would say in all fairness -- it is a word you shouldn't -- if the law wants it, I would say that Mr. Shrubb bullied Feeley.

THE COMMISSIONER: Q. When?

A. During the time -- you see, he had been raided before apparently. Mr. Shrubb was telling me about it and went into the lineup there. You know how you go over a man.

MR. ROSE: Q. Did Feeley seem to think Shrubb was picking on him?

A. Yes, definite.

Q. More than normally took place during an ordinary police raid?

A. Yes, sir.

THE COMMISSIONER: Q. Just a moment, Mr. Rose. This was when you met -- when Feeley met you in Chatham you are talking about now?

A. I didn't know -- apparently Shrubb had mentioned to me that -- what date it was, I don't know. I haven't got the date. Apparently Mr. Shrubb did go down there and whether it was Cocksville, I don't know whether it was Cocksville or where it was. But they were lined up, money taken off them and I think Mr. Feeley said to me he dropped fifty dollars or something and kicked it under the rug. Shrubb came in, gave him a good kick in the bum, knocked him over a bit and took the money from under the rug. I don't know what date that was.

MR. ROSE: Q. Would this be prior to the time ---

THE COMMISSIONER: Just a moment, Mr. Rose.

A. I don't know when it was.

THE COMMISSIONER: Q. Listen, this is your evidence as I took it down to the best of my ability. You say you first met Feely in your office in Chatham?

A. Right.

Q. Shrubb, at that time, and his wife, as you put it, were running the

Town House?

A. That is right.

Q. Feeley wanted to know if you knew Shrubb?

A. Right.

Q. He was interested only in Mr. Shrubb?

A. Yes, definitely.

Q. He said, "I have a place in Cooksville. Why does he have to make it a point to rap on my door all the time?". That was the conversation that took place when Feeley first came to seeyou at Chatham?

A. Yes, that is it.

Q. I see. All right. I have that cleared up.

MR. ROSE: Q. Now, in respect to the question which I have just been asking you, I was referring to this first meeting that you had with Feeley in your office?

A. Right.

Q. And we understand each other. The answers you were giving were in respect to that first meeting?

A. Right.

Q. During the time Mr. and Mrs. Shrubb -- were both Mr. and Mrs. Shrubb running the Town House?

A. I paid Mrs. Shrubb her wages. Mr. Shrubb helped out. Sometimes he was on

shift.

Q. He was or she was?

A. He was on shift naturally.

Q. Did he do any work around the Town House at all?

A. He did a little bit of gardening.

Q. That is inside the premises?

A. Yes. I suppose he would turn the mattress upside down.

Q. He helped his wife around the Town House?

A. Right.

Q. Now, Mr. MacKinnon asked you about an interview you had with Mr. Smith. That is an O.P.P. officer?

A. Right. He came in two or three times.

Q. That was only about a month and a half ago?

A. Then he came in before that. He was in twice.

Q. Now, Mr. Smith made a report. He said in paragraph 13, referring to the time when Mr. and Mrs. Shrubb were running the Town House, regarding the matter of keeping liquor for sale, "Mr.Lloyd said he hoped the occasion would never arise when he would haveto answer that question". Do you recall saying that to Mr. Smith?

A. Yes, sir.

Q. What does that mean? What did you mean by that? You hoped the opportunity would never arise when you would have to answer that question.

A. The Town House only had sixteen rooms. The most occupancy you have is about twenty people. Well, as I told Mr. and Mrs. Shrubb, that is all I was asking for the place, was the room rent. The meals and other things were theirs. If there was any liquor sold, it was their responsibility and they should also check out with the head of the Police Department. I wanted nothing from it and nobody can say I ever took five cents.

Q. For the sale of liquor?

A. For any meals or anything. I only received room rent. When I went for the room rent once weekly to check with them on their weekly return ---

Q. What did you mean they should check up with the Chief of Police?

A. After all, as I said, if they were going to be raided, I would be responsible as being the owner of the place, I understand.

Q. There was no liquor license there?

A. No, sir.

Q. Or beer license?

A. No, sir.

Q. Did you feel there was any possibility it might be raided?

A. No, because it was so orderly. I had been down there and noticed that they had a lounge room down there. Some of the rooms were pretty small. If a man had a bottle, he was much better off putting it in the refrigeration and going into the lounge room rather than taking it into his small room where he could have broke the top of the glass if he can't find an opener quickly, and stuff like that. And if he has one or two too many drinks, he is liable to go to sleep with a cigarette in his mouth. If you take him in the lounge room, you can see him openly when he goes upstairs. You can see what condition he is in.

Q. Do you know what the bottles in the refrigerator were there for?

A. Sometimes it was there, sometimes it was -- they brought it to satisfy anybody that asked for it.

Q. Liquor was kept there that was sold?

A. Yes, there was no -- I don't want to lie, it was there and was sold.

Q. By Mr. and Mrs. Shrubb?

A. By Mr. and Mrs. Shrubb. They derived from it.

DD 3

Q. And you didn't want any of the profits?

A. I took no profits, not even a postage stamp. Don't hold tat against me.

Q. You got no profits?

A. I asked for nothing.

Q. You told my friend Mr. MacKinnon that you surmised where Feeley got certain of his information about transfers of people and where his knowledge of where Mr. Shrubb was all the time, or seeming knowledge of where Mr. Shrubb was, and you told Mr. MacKinnon you surmised Feeley was getting his information from higher up. That was speculation on your part. Now, in respect to the appointment of Mr.Shrubb as Chief Constable at Peterborough which I believe would be in 1959 or late 1958, you were evidently informed by Mr. Feeley in advance of the appointment?

A. No, I wasn't. I wasn't informed by him, but I may have spoken to two of the policemen who told me that Mr. Shrubb had now got the job in Peterborough.

Q. The reason I asked you, Mr. Lloyd -- I see in paragraph 16 of Mr. Smith's report, he said, "Mr. Lloyd did say that he had been informed by Mr. Feeley in advance of the appointment of Mr. Shrubb".

A. No. That was a misunderstanding because that is one thing ---

Q. Do I take it Mr. Feeley never did inform you?

A. No. That was a misunderstanding because that is not in order because I even phoned Mr. Shrubb on that and he said he passed his exams and got his own job.

THE COMMISSIONER: Adjourned until tomorrow morning.

--- Whereupon the hearing adjourned at 4.55 p.m. to resume at 10.00 a.m., Wednesday, June 20, 1962.

Volume No. 9

IN THE SUPREME COURT OF ONTARIO

FORMEA CHEMICALS LIMITED

-V-

POLYMER CORPORATION LIMITED

DAILY TRANSCRIPT
OF PROCEEDINGS

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Supreme Court Reporters
145 Yonge St.
Toronto

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WEDNESLAY, JUNE 29TH, 1962

---On resuming at 10:15 a.m.

THE COMMISSIONER: Mr. Lloyd.

WILLIAM DONALD LLOYD, recalled:

THE COMMISSIONER: You are still under oath, Mr. Lloyd?

A. Yes, sir.

BY MR. ROSE: (Cont'd)

Q Mr. Lloyd, I do not know whether I took you down correctly yesterday, or not. Mr. MacKinnon asked you certain questions, and you said something to the effect that you had told a police officer that you were told by Feeley something about two thousand dollars a month went to Queen's Park, or to something higher up?

A. I did not mention any amount of money, sir. I did not mention any amount, but I thought that money had gone, that money was going to Queen's Park, or to

certain places.

Q. Did you discuss that with Mr. Shrubb at all?

A I may have said to Mr. Shrubb, after talking to him that - in a matter of friendly conversation, it would appear that somebody is getting paid off.

Q. Are you sure it was Mr. Feeley who said this to you, or was it Mr. Shrubb, or some other police officer told you?

A. No, I asked him, I asked him personally. I asked Mr. Feeley personally was he being supported.

Q. Yes.

A. By a higher Department.

Q. Was he being supported . . . .

THE COMMISSIONER: I do not think he has finished. What did he say?

A. And he said yes.

MR. ROSE: Q. Your question to Mr. Feeley, you put a question to Mr. Feeley, in your words, was he being supported from a higher Department by a higher Department?

A. I may have said supported - I might have said was anybody helping you - something to that effect.

Q. What I am concerned about is, I took you down that you said to Mr. MacKinnon that Feeley said - you said to a police officer

that Feeley said to you that two thousand dollars a month was going to Queen's Park, or . . . .

A. I did not say any amount, sir.

Q. You did not say any amount?

A. No, sir.

Q. Feeley mentioned no amount?

A No, sir, no amount.

Q. The money, any amount of money, that was going to higher-ups?

A. No, sir.

Q. You say the substance of the conversation was that he was receiving support from a higher department?

A. Right.

Q. Are these your own words "higher Department" or Feeley's?

A. Perhaps not department, but a higher man, who could give him protection.

Q. That is a man higher than whom, higher than Shrubb?

A Oh, yes, much higher. A man who controls the laws of the country.

Q. Did he say that?

A. No, I say that.

Q. This is what you took from what he said?

A. Yes, I did.

Q. That is an inference you drew?

that Tealey said to you that two thousand dollars
a month was going to Queen's Bank, or . . . .

A. I did not say any amount,

Sir.

Q. You did not say any amount?

A. No, sir.

Q. Tealey continued no amount?

A No, sir, no amount.

Q. The money, any amount of money,
that was going to Highter-Burr?

A. No, sir.

Q. You say the substance of the
conversation was that he was receiving anyone

A. Right.

Q. Are those your own words
"Higher Department" or Tealey's?

A. Perhaps not department, but
a higher man, who could give him protection.

Q. That is a man higher than Hiram,
higher than Shrubb?

A Oh, yes, much higher.

A man who controls the laws of the country.

Q. Did he say that?

A. No, I say that.

Q. This is what you took from
what he said?

A. Yes, I did.

Q. That is an inference you drew?

A. That is all . . . .

THE COMMISSIONER: Q. Wait a minute. An inference, is it an inference? Do you know what inference means?

A. Well . . . . . .

Q. Do you know what the word inference means?

A. No, not the way you are asking it, sir, no.

Q. He does not know, Mr. Rose.

A. I don't think so.

Q. Did Feeley tell you that as a fact . . . . .

A. Oh no, no, ...

Q. Wait a minute. You do not wait until I finish my questions. Did Feeley tell you as a fact that he was getting, didn't you put it, protection - put it that way?

A. I asked him and he said yes.

Q. Did he say from what level he was getting that?

A. I asked what level.

Q. And what did he say?

A. From a higher department.

MR. ROSE: Q. I thought you said they were your words?

A. I asked him and he said yes. I asked him.

Q. "Are you getting", you said . . .

A. Then to all . . . .

THE COURT: Q. Walk a minute.

An interval, is it an interference? Do you know

[illegible]

A. Well . . . . .

Q. Do you know what the word

[illegible]

[illegible]

It, sir, no.

Q. He does not know, Mr. Hunt.

A. I don't think so.

Q. Did Neeley tell you that as

a fact . . . . .

A. Oh no, no, ...

Q. Wait a minute. You do not

want until I finish my questions. Did Neeley

tell you as a fact that he was getting, don't

you put it, protection - put it that way?

A. I waited him and he said yes.

Q. Did he say from what level?

He was getting that?

A. I asked which level.

Q. And what did he say?

A. From a higher department.

MR. ROSE: Q. I thought you said they

were your words?

A. I asked him and he said yes.

I armed him.

Q. "And you getting", you said . . .

A. "Are you getting protection from higher-ups."

Q. And he said?

A Yes.

Q. That is at the first meeting?

A. That is at the first meeting.

Q. That was the extent of his so-called admission to you?

A. That is all. That is all.

I may have added some words there to make it - I asked him, and while he didn't fully answer me, it was fully understood what we both meant.

Q. Because prior to that you said that the first time you met Feeley, Feeley said he had protection from other sources but did not disclose his sources. Is that the same statement?

A He did not say sources - I said "higher-ups", and I presume he said, "Yes".

Q. You presume he said yes?

A. I think he must have said yes.

Q. All right. Thank you, very much.

A. Thank you, sir.

BY MR. WILSON:

Q. Yesterday you told us about the Shrubbs, and more particularly you told us that Mrs. Shrubb was working at the Town House and managing it for you?

A. Yes, sir.

Q. And after Shrubb was moved to Toronto early in 1954, did his wife continue to work for you at the Town House?

A. I don't know. All I remember is that when they both left to go - I don't remember whether he came to Toronto, or went back there, or how long before he moved her down. I do not know that, sir.

But I do remember sir, they went out of the place together. I was there for the new people when they took over there.

I do not know for sure if, if she was on her own for a while. I cannot remember that far back.

Q. You told us yesterday that you had known Feeley, or that you had met Feeley for the first time about seven or eight years ago?

A. When he came into the office, that is years ago, when he came into the office.

A/2

Q. And, since then, have you given any further thought to the exact date as to when you first met Feeley?

A. To be honest, sir, I drove home to Chatham last night . . . .

Q. You do not need to go into that.

A. Well, I drove to Chatham, and I did not have time, let us put it that way, sir.

Q. Maybe if you would like to have a few days to think of it.

A. If you would give me what I have to think over, sir, yes.

Q. What I want you to think over is the date that you first met Feeley and when he put this proposition to you about meeting with Shrubb?

A. If I could remember, if I could remember I would give it to you right now. Nothing would please me more, sir.

Q. To assist you about that meeting . . . .

A. Yes.

Q. . . . when that meeting took place, did that meeting take place after Shrubb had moved from Chatham to Toronto?

A. After Shrubb - I do not know the date there.

Q. You told us that Feeley said to you that this man is knocking at my door, or words to that effect?

A. That is what he was there for.

Q. And that Shrubb had nothing to

A. To be honest, sir, I drove . . .

Q. You do not want to do that.

that.

A. Well, I drove to Chatham, and I did not have time. Let us put it that way, sir.

Q. Maybe if you would like to have a few days to think of it.

A. It was would give me what I have to think over, sir, yes.

Q. What I want you to think over is the date that you first met Wesley and when he put this proposition to you about meeting with Shorty.

A. It I could remember, if I could remember I would give it to you right now.

Q. In answer to your question, sir.

A. Yes.

Q. . . . when that meeting took place, did that meeting take place after Shorty had moved from Chatham to Toronto?

A. After Shorty - I do not know the date there.

Q. You told us that Wesley said to you that this man is looking at my gun, what works to that effect?

A. What is what he was there for.

Q. And that Shorty had nothing to

do with any raids on Cooksville until after April of 1954?

A. Oh, Mr. , Mr. Feeley did not mention what date. Since then, reading the paper, they must have had three doors. I did not say the Cooksville door, sir.

Q. No?

A. I am sure, I can assure you, I didn't mention the Cooksville one.

Q. You say three doors, which are they?

A. I said that at the time, well, Windsor, Fort Erie and Cooksville.

Q. Well, you said very definitely, yesterday, what he was talking about was Cooksville?

A. I don't think I meant the Cooksville door.

Q. We will turn it up, we will turn it up for you.

THE COMMISSIONER: Let us analyse that a bit, Mr. Lloyd. I realize it is some time since you first met Mr. Feeley?

A. Yes, sir.

Q. And he met you first, when he met you first he said to you that he had a club, the Centre Road?

A. At Cooksville.

Q. He did not mention any others?

A. None, none at all.

to with any reside on Cooksville until after

April of 1920?

A. Oh, Mr. , Mr. Presley did not

mention what date. Since then, reading the paper,

they must have had three doors. I did not buy

the Cooksville Dairy, etc.

C. Yes

A. I am sure, I can assure you,

I didn't mention Whitehouse/Old one.

Q. You buy three dozen, which

are they?

A. I said what at the time,

well, window, Front Rite and Cooksville.

C. Well, you have very satisfactorily,

satisfactorily, what by not trying enter the Cooksville

A. I don't think I meant the

Cooksville Dairy.

Q. He will turn it up, he will

turn it up for you.

THE COMMISSIONER: Let us continue that

a bit, Mr. Lloyd. I realize it is quite time

since you first met Mr. Presley?

A. Yes, sir.

Q. And he met you first, when

he met you first he said to you that he had a

club, the Centre Road?

A. At Cooksville.

Q. He did not mention any others?

A. None, none at all.

Q. Well, it strikes me, as Mr. Wilson put it to you, that when Feeley said about having a club at Cooksville, and Shrubb is knocking too frequently on my door, he meant the door of the club in Cooksville. That is plain, Mr. Wilson.

MR. WILSON: The record is very clear, sir, on that point. We can turn it up.

THE WITNESS: I . . . .

THE COMMISSIONER: Is that what you understood him to be talking about? He told you he had a club in Cooksville?

A. Right.

Q. And in the same conversation he said that Shrubb was knocking too frequently on my door. It must be my door in Cooksville?

A. I asked Mr. Shrubb . . . . .

Q. No, no, that means to me pretty clearly what he was talking about, the door of what club?

A. Perhaps, yes.

Q. And that is the club that he had in Cooksville. It is simple enough to me, at the moment, Mr. Wilson.

MR. WILSON: Q. Then, did you speak to Shrubb about that in Toronto . . .

A. I don't know.

Q. . . . or Chatham?

A. I don't know. I asked Mr.

Shrubb. He said yes, he remembered going in there. That is what I mentioned to you yesterday about.

Q. Maybe . . . .

A. And about when Mr. Feeley dropped some money on the floor and kicked it under the rug.

Q. Maybe I can clear that. I know that you are anxious to get away to England, and I do not want to keep you until next week.

A. If you wish, sir, I will stay.

Q. Mr. Shrubb has sworn in his evidence that in 1956, around August of 1956, that was the first time that you communicated with him and told him about having been contacted by Feeley?

A. Right.

Q. Does that help your memory to fix that?

A. Honest, I wish I knew. I wish I knew.

Q. Can you please tell us, was it following the meeting with Feeley that you communicated by telephone with Shrubb, that you did communicate by telephone with Shrubb?

A. Naturally I had to. That is the only time I could.

the only time I could.

A. Naturally I had to. Once in
you did communicate by telephone with Murphy
communicated by telephone with Murphy, that
it following the meeting with Cooley that you
Q. Can you)ssume tell us, man
I wish I knew.

A. Sorry, I wish I knew.

to the diary

Q. Does that help you remember

A. Right.

by Cooley?

with him and told him about having been contacted
that was the first time that you communicated
the evidence that in 1950, around August of 1950,

Mr. Stroud has shown to

Page.

A. If you wish, sir, I will

next week.

England, and I do not want to keep you until
I know that you are anxious to get away to

Q. Maybe I can clear that.

omitted the via.

crossed zone money on the Ilyer and received in

Q. Maybe . . .

there. That is what I mentioned Yesterday
to

Mirror. He said yes, he remembered giving it

Q. That was not until after you had a meeting in Chatham with Feeley that you called . . . .

A. Shrubb.

Q. . . . Shrubb, on the phone?

A. Right.

Q. And you told him about the proposition?

A. I went overto the Town House after and I spoke with Mr. and Mrs. Shrubb.

Q. Yes?

A. I am sure that is it because I was - it didn't, I didn't think of it - I thought that - I remember them laughing about it, and, well, I don't know.

Q. Mr. Shrubb has sworn in his evidence . . . .

A. Mr. Shrubb made memorandums. I don't have any.

Q. He has sworn that on August 16th, 1956, he had a call from you?

A. Yes.

Q. And you discussed with him about Mr. Feeley and the suggestion of working out a scheme?

A. No, I went over to the Town House to see Mr. Shrubb.

Q. That is what he has sworn to. He kept notes, as you say?

A. Yes. Right.

Q. Are you saying that is wrong, are you saying that he is wrong when he has said you called him on August the 16th and discussed Feeley?

A. I would not know the date, because we discussed it many times, you see. We discussed it many times, not once, many times, sir.

Q. He has sworn that on August the 18th, 1956, he, Shrubb, was contacted by Feeley, who said he wanted to talk over matters in regard . . . . .

A. That is . . . .

Q. . . . covering what he talked to you about?

A. That is when they should have got together and not ask me to introduce them.

Q. That is when Feeley andShrubb should have got together?

A. Yes, instead of wasting my time trying to introduce them, running all over, it would have saved me trouble.

Q. And saved you the trouble of introducing, the future trouble of introducing Feeley to Mrs. Shrubb?

A. No, no. Mrs. Shrubb, - I thought - it didn't mean a thing to me. She didn't have to come down. Please believe me, sir.

I said Mr. Feeley was there.

Q. You say when Feeley talked to you he mentioned money under the rug, kicked under the rug?

A. What I meant by that, it appears that they had a raid . . . .

THE COMMISSIONER: Who is that, now?

A. When raiding, the raiding squad would go . . . .

Q. Who is telling you this?

A. Mr. Shrubb told me. I was asking how they did a raid. That is how I learned that he kicked under the rug. They came in and they took . . . .

Q. We have heard all that.

A. They take whatever money or stuff, they see. Mr. Feeley did drop some money, and whether it was intentionally or . . . .

Q. Accidentally?

A. Accidentally, when it was dropped, and kicked under the rug.

MR. WILSON: Q. And kicked under the rug?

A. Yes, Shrubb saw it.

Q. He was telling you about a raid at the Cooksville Club, wasn't he?

A. I didn't know what club it was.

Q. That is the only club he talked to you about?

A. No, I was asking - no, no, he didn't say. He said he made a raid on a club. He didn't say. He didn't say the Cooksville Club to me.

Q. Because we do know that Shrubb was involved in a raid on the Cooksville Club in November 24th, 1954, when $810. were kicked under a rug. Does that help you at all?

A. I don't know how much.

Q Does that help you at all in fixing . . . .

A. Now you have got the rest of the story. You have got it now.

Q. Now I have got the rest of the story?

A. Because I have not got it.

Q. This raid that Feeley told you about was something that happened some time before he saw you in Chatham?

A. Mr. Feeley never told me about it. He mentioned this fellow knocking on the door. He didn't say how they came in.

Q. He was telling you about a previous, Feeley told you about a previous raid where the money was kicked under the rug?

A. Mr. Shrubb told me about that. Mr. Shrubb told me about that - both sides.

THE COMMISSIONER: Q. Did Feeley tell you?

A Yes, also.

MR. WILSON: Q. Both told you?

A. Yes.

Q. Now, did Shrubb tell you about money being kicked under the rug before you had your meeting with Feeley?

A. Oh, no, this is after.

Q. And how long after?

A. A long time after because I don't know - I did not know Feeley, and I would have to know Feeley first before I knew about the kicking under the rug.

Q. But you say that Shrubb told you about it, too?

A. Well, shall I say - because it was not - shall I say because I asked the question how did people act when they came in.

Q. Maybe you better sit down after I have finished another line of questioning and think about this date, and then tell us what . . . . .

A. If I could I would tell you right now. It is no good me sitting down, or going to sleep - there is no more - it would be lies.

Q. Well . . . .

A. I would have to see Mr. Shrubb, I would have to go and see him, and see if he could help me about the exact date, because I do not know.

help me about the exact date, because I do not know. I would have to go and see him, and see if he could

A. I would have to see Mr. Shrubb, well . . . .

Q. Well, did Shrubb tell you about money being kicked under the rug before you had your meeting with Presley?

A. Uh, no, this is after.

Q. Before that Arnat

A. A long time after because I don't know - I did not know Presley, and I would have to know Presley first before I knew about the kicking under the rug.

Q. But you say that Shrubb told you about it, too?

A. Well, shall I say - because it was not - shall I say because I asked the question how did people act when they came in.

Q. Maybe you better sit down and think about this date, and then tell us what . . . . .

A. If I could I would tell you right now. It is so good be sitting down, or going to sleep - there is no more - it would be like.

Q. Well . . . .

A. I would have to see Mr. Shrubb,

I would have to go and see Shrubb, and by doing that, perhaps he could help me. Otherwise I would have to be making up a story.

Q. By talking to Shrubb you may be able - that might help you to fix a date?

THE COMMISSIONER: I do not want him talking to anybody. I want independent evidence.

MR. WILSON: All right, sir.

Q. Can you tell us - you told us that you had your first meeting with Feeley seven or eight years ago?

A. Many years ago.

Q. You mentioned seven or eight years, a long time . . . . .

THECOMMISSIONER: Can't we get at it this way, if it needs any clarification? At the moment I don't think it does. Was Shrubb on the Anti-Gambling Squad when Feeley saw you, came to see you for the first time?

A. I don't remember if he was, I don't remember for sure. He had a police uniform on. I don't know if he was on the other job. I just don't know for sure.

MR. WILSON: Q. Why would you make what you call a joke on him by passing on the Feeley proposal to Shrubb unless he was on the Anti-Gambling Squad?

A. Shrubb may have gone up, but regardless of anything, regardless of anything

I would have to go and see Simmon, and by doing
that, perhaps he could help me. Otherwise I
would have to be making up a story.

Q. By telling no Simmon you may
be able - that might help you to fix a dater

THE COMMISSIONER: I do not want him
telling it yourself. [illegible]

MR. TURNER: All right, sir.

Q. And you don't - you can't
do that you had your files recording with Revlon

[illegible]

A. [illegible] Many years ago.

Q. You mentioned seven or eight
years, a long time . . . . .

THE COMMISSIONER: Don't we look at it
this way, if it needs any clarification? At
this moment I don't think it does. Mrs Simmon
[illegible]
came to see you for the first time?

A. I don't remember if he was,
I don't remember for sure. He had a position
[illegible] us. I don't know if he was on the
other job. I just can't know for sure.

MR. MORROW: Q. Why would you make
most you only a joke on him by pausing on the
[illegible]
Director, Revlon? To Simmon unless he was on the
[illegible]

A. Should may have gone up.

Did negotiations of salaries, reductions of salaries

you were still talking to a member of the law.

Q. What sense that does proposal make if he was merely stationed at Chatham?

A. It would appear now, the way you are asking me, that he had got that job as the raiding squad.

THE COMMISSIONER: Mr. Wilson, I am satisfied about that, that at this time when Feeley was met, that Shrubb was on theAnti-Gambling Squad. I am satisfied.

THE WITNESS: Put it that way.

THE COMMISSIONER: Feeley would have no other purpose.

MR. WILSON: No, that is right.

THE WITNESS: This gentleman has all the records. I have nothing.

MR. WILSON: Q. Well, in view of the great performance yesterday I thought I would try and get a more accurate picture.

THE COMMISSIONER: That is clear, when Feeley saw him he was complaining about this man Shrubb knocking too frequently on his door and his door could only be the Centre Road Club. That is what he was talking to this man about.

MR. WILSON: Q Yesterday you gave us a lot of answers, and a lot of comedy, and I want to know if there is any part of your story that you want to change?

A/4

A. Nothing at all.

Q. Because this is now the opportunity.

A. Yes, this is the opportunity. You see, when you go through answering questions here, you make it a little jovial, I made it a little jovial because there were no lies in my heart. Therefore it has to be coming out naturally, and when it comes out naturally it comes out a lot nicer.

Q. Do you know Police Constable Doyle at Chatham?

A. No, sir, I don't know him. I do not know the name. I know a policeman, but I do not know that name. I don't even remember the name of the O.P.P. that came to get information twice from me in the office. He gave me his name but I have forgotten it, because I am not going to work on the police force.

Q. I want to be clear about your evidence. I want to be clear about your evidence of yesterday in regard to the question of whether or not you carried Feeley's name in a wallet, in your wallet?

A. I never carried his name.

Q. And his telephone number?

A. The only thing I carried was the card, the card to the Cooksville Club. That is the only thing I had.

Q. I am just asking a simple question.

A. No, sir.

Q. That you swear you never carried that?

A. I did not have his phone number and I don't know where he lived.

Q. You did not tell Police Constable Doyle that you did?

A. Never.

Q. Did you know where you could get hold of Feeley?

A. No, I don't.

Q. Did you at any time know where you could get hold of him?

A. Only at the Cooksville Club.

Q. That is all, thank you.

THE COMMISSIONER: All right.

THE WITNESS: Thank you very much.

---The witness retired.

(Page 7906 follows)

MR. WILSON: Miss Byles.

MISS DOROTHY ANN BYLES, Sworn

EXAMINATION BY MR. WILSON:

Q. You are an employee of the Ontario Provincial Police?

A. Yes.

Q. How long have you been employed there?

A. I have been with the Anti-Gambling Branch just a little over three years.

Q. Over three years?

A. Yes.

Q. I understand that your desk is in the office of Sergeant Anderson, or was?

A. That is right.

Q. And still is?

A. Yes, it is.

Q. Now, do you recall an incident that occurred in February of 1960 when you were coming to work on the street car?

A. Yes. It was either in the latter part of January or the early part of February, 1960.

THE COMMISSIONER: Q. What was the date, roughly?

A. The latter part of January or the early part of February, 1960, because there were several mornings.

[

MR. WILSON: Q. Just tell us what happened then?

A. I lived on Cosburn Avenue and in order to get to work --

THE COMMISSIONER: Q. Do not go too quickly.

A. I had to get a bus.

MR. WILSON: Q. Just take your time. You lived on Cosburn Avenue?

A. I did at that particular time.

THE COMMISSIONER: Cosburn?

MR. WILSON: C-o-s-b-u-r-n, I take it.

THE COMMISSIONER: Q. What part of the city is that?

A. East York, I believe, or Leaside; I am not sure.

Q. Leaside. Yes. Something happened one morning, you said?

A. Several mornings in particular as I was getting on the bus. I would get on the bus and this gentleman would come up and try to make conversation about the weather, or some other trivial matter, and each time I would have to get away from him. And when I got off the street car, he would come to me. And one morning in particular he gave me his seat and stood beside me and I ignored him and he said something about the weekend coming up and probably I am going up north, which startled me, because I am from Barrie.

If I left my apartment these two men were standing there and I would walk six or eight blocks to the Danforth to avoid them because I didn't know who they were or why they were interested in me particularly. And one day, after Robert Wright was arrested, I was shown pictures.

MR. WILSON: Q. Did he ever ask you where you worked?

A. Yes. Oh, yes, I had forgotten. He asked me where I worked and I said, "Down on the lakeshore". And he said, "In the Liquor Building?", and I said, "No, in the Police Building". And he said something to the effect he worked down there and he thought he had seen me down in that area.

And, then, I was shown pictures one day in the office and I recognized the one man as being Joseph McDermott.

Q. Is this man that you say spoke to you on these various occasions, you identified as Joseph McDermott?

A. Yes.

Q. About how many times would you say that he spoke to you prior to your identification of him?

A. Well, I would say there were about five or six mornings, there might have been more, but if I saw them at the corner, I wouldn't get on the bus, I would walk to

the street car stop.

Q. You say there was Joseph McDermott and another man?

A. Yes.

Q. Were you able to identify the other man by reference to the photographs?

A. No, I wasn't able to, by the photographs.

Q. I take itthat you rebuffed all his advances?

A. Yes, I certainly did. I had no idea what they were after.

Q. Thank you.

THE COMMISSIONER: Q. Was Joseph McDermott at any time in the Provincial Police Building?

A. Yes. After Wright was arrested he and Feeley came into the office one day and I recognized them as being the two men who were on the corner.

Q. After Wright was arrested McDermott and Feeley both came into the Provincial Police office and you saw them?

A. Yes.

Q. And you recognized them as the two men who had been waiting for you?

A. Yes.

MR. WILSON: Q. Well, before they came into the Police Building after the arrest of Wright had you been shown a picture of Feeley?

Wright had you been shown a picture of Peeley?

Into the Police Building after the arrest of

A. Yes.

Q. And you recognized them as the

two men who had been waiting for you?

A. Yes.

Provincial Police office and you saw Emery

Beaumont and Peeley both came into the

A. Yes.

I recognized them as being the two men who were

on the corner.

Q. After Wright was arrested

by the Provincial Police and

released?

A. Yes. After Wright was arrested

and released by the Provincial Police at any time in the

Q. Thank you.

no idea what they were after.

A. Yes, I certainly did. I had

Q. I take it that you returned all

the advances?

A. No, I wasn't able to, by the

other men by reference to the photographs?

Q. You say there was [illegible]

A. Yes.

Q. Were you able to identify the

the brown car shop.

A. Yes, but I hadn't recognized him from that.

Q. You had not recognized him from the photograph?

A. Yes.

Q. And you had recognized McDermott from the photograph but not Feeley?

A. That is correct.

Q. And when the two of them came into the Police Building after Wright's arrest you identified Feeley as being the other man?

A. Hm-hmm.

EXAMINATION BY MR. MacKINNON:

Q. Just one question. Sergeant Anderson's report, which has gone in here I believe, he states:

" On October 19th, Joseph "McDermott and Vincent Feeley, on "the instructions of Mr. Humphrey, "who had been telephoning me about "the return of the $20,000, came to "my office for the return of same "plus some films also seized from "Feeley's premises."

THE COMMISSIONER: What date was that?

MR. MacKINNON: That was October the

A. Yes, but I hadn't recognized him from that.

Q. You had not recognized him from the photograph?

A. Yes.

Q. [illegible]

Recognized from the photograph but not Brealey?

A. That is correct.

Q. And when the two of them came into the Police Building after Wright's arrest you identified Brealey as being the man?

A. Correct.

Q. Part one question. Benjamin Anderson's report, which has gone in here I believe, he states:

" On October 13th, 1920,

"Mackenzie and Viscount Brealey, on

"who had been telephoning me about

"the return of the $50,000, came to

" "my office for the return of same

"plus some time nine retired from

"Brealey is present.

MR. MACKENZIE: That was October the

19th, 1960.

Q. And he states you jumped up from your desk and made a rather hasty exit?

A. Yes, that is when I recognized him. I built up such a fear in my mind.

Q. Did he say something about going north?

A. He said, "Probably going north for the weekend", which startled me because I am from the north.

Q. He did not follow that up?

A. No.

Q. Did other girls indicate they had the same experience?

A. No.

Q. You did not talk about this to them?

A. No, but they know now about it.

Q. Thank you.

MR. ROSE: I have no questions.

THE COMMISSIONER: Q. That is all, thank you.

--- The witness withdraws

MR. ROSS: I have no questions.

THE COMMISSIONER: Q. That is all,
Mr. Duff.

MR. WILSON: I will call Geraldine Germaine Roper.

MRS. GERALDINE GERMAINE ROPER, Sworn

EXAMINATION BY MR. WILSON:

Q. You work for the Ontario Provincial Police?

A. Yes.

Q. How long have you worked for them?

A. Seven years.

Q. And in part of that time you have worked in the Police College?

A. Yes.

Q. Now, have you ever had any contact with Vincent Feeley, or a person that you subsequently identified as Vincent Feeley?

A A. Yes.

Q. Just tell us about that.

A. Well, I used, when I worked at the College, I used to help my father in his restaurant. He owned a restaurant.

THE COMMISSIONER: Q. I am sorry, you will have to raise your voice a bit.

Raise that microphone a bit.

MR.WILSON: Q. You used to help your father a bit in the restaurant when you were not working?

A. Well, after work I used to help

MR. WILSON: I will call Geraldine Gemmelaro Moser.

Mrs. Geraldine Gemmelaro Moser, sworn

Examined by Mr. Wilson:

Q. Mrs. Moser, are you employed?

Previously Talked

A. Yes.

Q. How long have you worked for

A. Seven years.

Q. And in part of that time you

R. Yes.

Q. Now, have you ever had any

conversation with Vincent Feeley, or a person that you subsequently identified as Vincent Feeley?

A A. Yes.

Q. Just tell us about it.

A. Well, I used, when I worked at the Colleve, I used to help my father in his restaurant. He owned a restaurant.

THE COMMISSIONER: Q. I am sorry, you will have to raise your voice a bit.

Raise that microphone a bit.

MR. WILSON: Q. You used to help your father a bit in the restaurant when you were not working?

A. Well, after work I used to help

him at supper time and this man came in one day and he asked me if I worked at the College and I said yes, and, first of all, he said, "Is it your sister or you?" and I said no, it was me. And he said, "Oh, do you work for --

Q. Was this while you were working at the Police College?

A. Yes.

Q. I understand you worked there until about May of 1958?

B-2 A. Yes, that is right.

Q. And, then, you transferred to General Headquarters?

A. Yes.

Q. So, it was during the period you were at the Police College this man spoke to you?

A. Yes. I had been working there for about a year when I first saw him.

Q. What further conversation did you have with this man?

A. Well, nothing. He just asked me if I worked for one of the Inspectors and I said yes. And he said, "Oh". And I think I sort of eluded his questions because I saw him coming in and out of the house across from the College once or twice and he passed me on the street.

Q. You saw him going into the house

him at supper time and this man came in one
day and he asked me if I worked at the
College and I said yes, and, first of all,
he said, "Is it your sister or your" and
I said no, it was her, and he said, "Oh,
do you work for
Q. You were [illegible]
working at the Police College?
A. Yes.
Q. I [illegible]
until about the of 1920?
A. Then, then is right.
Q. And, then, you [illegible]
General Delivery?
A. Yes.
Q. So, it was during the period
you were at the Police College this man spoke
to you?
A. Yes. I had been working there
for about a year when I first saw him.
Q. [illegible]
You have with this man?
A. Well, nothing. He just asked
me if I worked for one of the Inspectors and
I said yes. And he said, "Oh". And I
think I sort of eluded his questions because
I saw him coming in and out of the house across
from the College once or twice and he passed
me on the street.
Q. You saw him going into the house

across the street from the College?

A. Yes.

Q. This same man?

A. Yes.

Q. Did you talk to him on more than one occasion?

A. No. He came in the restaurant a few times but I never spoke to him; I never answered.

Q. How did you come to identify him as Vincent Feeley?

A. Well, Inspector Graham -- Chief Inspector Graham showed me a picture one morning and asked me to identify, if I recognized anybody in the picture, and I picked out Vincent Feeley.

Q. Where was this restaurant located that your father ran?

A. On Gerrard Street, between Seaton and Sherbourne.

Q. Was there any significance to this building across from the Police College? Was there any incident in connection with that building? Let us fix the location of the Police College. It was on -- ?

A. Sherbourne Street, 291 Sherbourne Street.

Q. 291. And this building you saw Feeley going into was opposite it?

A. Yes.

Q. Now, was there any incident --

THE COMMISSIONER: Q. The restaurant was quite a distance removed from the Police College?

A. I lived above the restaurant.

Q. It is quite a distance from the Police College?

A. Well, you can't see it, but it is only around the corner. It is between Seaton and Sherbourne and the Police College is just, oh, three houses down from the corner.

MR.WILSON: Q. Now, was there any incident, so far as the building across the way from the Police College is concerned?

A. No. I just noticed him going in and out. One day when I was coming to work in the afternoon he crossed in front of me and passed me on the street.

Q. What I have in mind: There seems to me there was a raid on one of the offices in that building across the way?

A. Yes.

Q. Where they found binoculars --

A. Yes.

Q. -- and so on. Would that occur while you were at the Police College?

A. I don't think so, but I did hear about it afterwards.

Q. That is all, thank you.

Q. Now, was there any incident --

THE COMMISSIONER: Q. The restaurant was quite a distance removed from the Police College?

A. I lived above the restaurant.

Q. It is quite a distance from the Police College?

A. Well, you can't see it, but it is only around the corner. It is between Preston and Hornbourne and the Police College is just, oh, three houses down from the corner.

MR. KELLY: Q. Any, and there no way from the Police College in connexion? [illegible]

A. No. I just entered [illegible] going in and out. One day when I was coming to work in the afternoon he crossed in front of me and passed me on the street.

Q. What I have in mind: There seems to me there was a raid on one of the offices in that building across the way?

A. Yes.

Q. Where they found binoculars --

A. Yes.

Q. -- and so on. Would that occur while you were at the Police College?

A. I don't think so, but I did [illegible].

Q. That is all, thank you.

EXAMINATION BY MR. MacKINNON:

Q. Just a moment, please. Was your maiden name Germaine Spizarsky?

A. Yes.

Q. S-p-i-z-a-r-s-k-i.

A. "y".

Q. At the time when Feeley came to the restaurant you were single, weren't you?

A. Yes.

Q. And he tried, to use a modern expression, to date you, did he not?

A. I couldn't really say because he just asked -- he just asked me --

THE COMMISSIONER: Q. Just asked you what?

A. Well, he asked me if I worked at the Police College.

MR. MacKINNON: Q. Whenever he did come into the restaurant, this was his topic of conversation, he always managed to get around to the Police College and your work there?

A. Yes. Well, the first time I had talked to him I had already seen him in and out of the house and I knew something happened in that house and I never paid much attention to him.

Q. I am not suggesting you told him anything, but he kept coming back to the

fact you worked at the Police College?

A. Yes.

Q. And you were secretary or stenographer for Inspector Duncan, is that right?

A. Yes.

Q. In the eighth report made by Police Constable Scott, dated May 9th, he refers to a conversation which he had on May the 8th, 1960, with Police Constable Wright, where Police Constable Wright told him that Vincent Feeley had met you.

THE COMMISSIONER: What is your reference there, please?

MR. MacKINNON: It is the eighth report under the heading of Sunday, May the 8th, Item G. Item H is the one with regard to Feeley attempting to meet Miss Byles. Item G being the one with relation to this lady.

Q. You say you never went out with Mr. Feeley?

A. No, definitely not.

Q. At no time?

A. No, never.

Q. At this time did you tell anyone in the Ontario Provincial Police about Feeley, at that time when he was trying to --

A. Yes, I did.

Q. -- talk to you?

Q. And you were speaking to
Officer Conway for Inspector Downey, is that
right?

A. Yes.

Q. By the right front door of
Police Constable Scott, dated May 25th, in
reference to a conversation which he had on
May the 25th, 1956, with Miles Dunphy
Conway, Police Constable Walsh and
Mrs. Mary Alcorn [illegible] and
Inspector Downey [illegible]

MR. [illegible]: It is the right
object after the heading of Dunphy, May the
25th, Item 6. Item 3 is the one with regard
to [illegible] attempting to meet Miss Hynes.
Item 6 being the one with relation to this
lady.

Q. You say you never went out
with Mr. Peelay?

A. No, definitely not.

Q. At no time?

A. No, never.

Q. At this time did you tell
Peelay, at that time when he was trying to --
answer by the Dunphy [illegible]

A. Yes, I did.

Q. -- talk to Peelay

A. I told -- I believe I told Inspector Duncan and I believe there was another officer there.

Q. Did you tell him the name of this man?

A. No, because I didn't know.

Q. He never gave you his name?

A. No.

Q. Or did he give you some name?

A. No, no, he didn't. I didn't ask him, or anything.

Q. For how long a period of time did Mr. Feeley see you in this restaurant, how many times would he be in there? How long a period of time, a year?

A. You mean, coming in and out?

Q. Yes, that is right.

Q. Oh, no, not that long.

Q. Six months?

A. Probably a matter of a few weeks, or something.

Q. Would you be there every night after work pretty well?

A. Well, I did work for a while helping my father out, yes, but I couldn't say how long.

Q. What would Feeley be in for, the evening meal?

A. No, he would just come in.

Q. A cup of coffee?

A. I told -- I believe I told Inspector Burden and I believe there was another officer there.

Q. Did you tell him the name of this man?

A. No, because I didn't know.

Q. He never gave you his name?

A. No.

Q. Or did he give you some name?

A. No, no, he didn't. I didn't ask him, or anything.

Q. For the like a period of time did he. During the per in that restaurant, how many times would he be in there? How long a period of time, a year?

A. You mean, coming in and out?

Q. Yes, that is right.

Q. Oh, no, not that long.

Q. Six months?

A. Probably a matter of a few weeks, or something.

Q. Would you be there every night after work pretty well?

A. Well, I did work for a while helping my father out, yes, but I couldn't say how long.

Q. What would Peeley be in for, the evening meal?

A. No, he would just come in.

Q. A cup of coffee?

A. A cup of coffee.

Q. And this was a fairly regular occurrence over a period of two or three weeks?

A. I wouldn't say too regular, but he did come in. I knew he lived in there and I knew something happened in that house, and I never bothered. I didn't talk to many people around there, anyway.

Q. And you had made mention to Inspector Duncan, the man you thought lived in the house opposite was talking to you about him?

A. Yes. I told him probably the next day or shortly after. I told him that the man that lived in the house was in the restaurant and was asking questions about the College.

Q. Is Inspector Duncan still living?

A. Yes.

Q. Is he still at the Police College?

A. He is at General Headquarters no.

Q. Is he still an Inspector?

A. Yes. He is in charge of the Recruiting Branch.

Q. Thank you.

Q. A cup of coffee.

Q. And this was a fairly

regular customer

A. I would'n say he regular

was he did come in. I knew he lived in

town and I knew somebody bringing in

some liquor, but I never bothered. I didn't

talk to many people around there, anyway.

Q. How far was that location,

to Logan City Center, the one you thought

lived in the house opposite Ben Fielding in

the Liquor Case?

A. Yes. I told him previously

the exact key to directly after. I told him

once the one that lived in the house was

in the residence and was moving furniture

across the College.

Q. Is Josephine Jensen still

living?

A. Yes,

Q. Is he still at the Police

Station?

A. He is an General Reconnaissance

Q. Is he still an Investor?

A. Yes. He is in charge of

the Sheriffs Office.

Q. Thank you.

EXAMINATION BY MR. ROSE:

Q. You say you never went out with Mr. Feeley. Did he ever ask you to go out with him?

A. No.

Q. When you say you were assisting your father in the restaurant, what type of assistance were you giving your father?

A. I was serving the customers.

Q. Is it a restaurant with tables and counters?

A. It has booths and about four tables.

Q. You waited on the customers in the booths and tables?

A. Yes.

Q. Mr. Feeley, did he sit at the counter?

A. Yes.

Q. He had a cup of coffee?

A. Yes.

B3

Q. A cigarette, I presume?

A. I didn't notice.

Q. And the first time he came in he asked you if you worked inthe Police College?

A. Yes. He said, "Is it your sister that works in the College or is it you?" and I presume he knew it was me. And I said it was me.

And I said it was me.

"Yes" and I presume he knew it was me.

Q. And the first time he came in he asked you if you worked inthe Police Station?

A. Yes. He said, "Is it your sister that works in the College or is it you?"

Q. A cigarette, I presume?

A. I didn't notice.

Q. Did he have a cup of coffee?

Yes.

Q. He had a cup of coffee?

Yes.

Q. Mr. Neeley, did he talk to the counter?

Yes.

Q. Was that on the counter?

A. It was on the counter.

Q. You waited on the customers in the Station and talked to them?

A. I was serving the customers.

Q. Is it a restaurant with tables and chairs?

A. It has booths and about four tables.

Q. You waited on the customers

Mrs. Mr. Neeley, did you ever

[illegible]

A. No.

Q. Have you ever been [illegible]

[illegible]

Your father in the tearoom, what type of

[illegible]

A. I was serving the customers.

Q. Is it a restaurant with tables

[illegible]

A. It has booths and about four

tables.

Q. You waited on the customers

[illegible]

Q. Mr. Neeley, did he talk to the

counter?

Yes.

Q. He had a cup of coffee?

Yes.

Q. A cigarette, I presume?

A. I didn't notice.

Q. And the first time he came in he asked you if you worked inthe Police

[illegible]

A. Yes. He said, "Is it your sister that works in the College or is it you?" and I presume he knew it was me.

And I said it was me.

Q. That was the first time he came in?

A. Yes.

Q. And is that the extent of the conversation?

A. No. He said, "Do you work for one of the Inspectors there?" and I said, "Yes". And he said, "Do you like it", something like this; and I said I did. And, as I say, I didn't stay around.

Q. I see. You were probably pretty busy. Would that, then, be the extent of the conversation on the first visit?

A. Yes.

Q. And the other times he came in was his conversation concerning the Police College any different, or did it go any further?

A. No.

Q. Just whether you liked your job?

A. Yes.

Q. He never asked you for any information, or anything of that nature?

A. No, no, he didn't, no.

Q. All right, thank you very much.

MR. WILSON: Q. That is all, thank you.

--- The witness withdrew

Q. That was the first time he came in?

A. Yes.

Q. And is that the extent of the conversation?

A. No. He said, "Do your work for one of the Inspectors there?" and I said, "Yes". And he said, "If you [illegible] it". suggested that that was what I said I did. And, so I say, I didn't ask herself.

Q. I see. You were previously every busy. Would that, then, be the account of the conversation on the [illegible] visit?

A. Yes.

Q. And the other times he came in the Police College any different, or did it go any further?

A. No.

Q. [illegible]

And?

A. Yes.

Q. He never asked you for any [illegible]

A. No, no, he didn't, no.

Q. [illegible]

mean.

MR. WILSON: Q. Time is all, thank you.

--- The witness withdrew

MR. WILSON: Call Mr. Gogek.

MORRIS GOGEK, Sworn

EXAMINATION BY MR. WILSON:

Q. You are a solicitor practising in the Town of Mimico?

A. Yes, sir. -- I was in Mimico. I am now practising in Port Credit.

Q. How long have you been in practice?

A. Since 1949.

THE COMMISSIONER: Q. Did you say formerly in Mimico?

A. Yes, your lordship.

MR. WILSON: Q. When you were in Mimico you were carrying on your practice at 72 Lakeshore Road. Is that right?

A. 72 Lakeshore Road, and, subsequently 7 Superior Avenue in Mimico.

THE COMMISSIONER: Just a moment.

Q. What was the first address?

A. 72 Lakeshore Road, Mimico, the address was at that time, your lordship.

MR. WILSON: Q. And when did you -

THE COMMISSIONER: Q. And the next, in Mimico?

A. 7 Superior Avenue.

Q. Thank you.

MR. WILSON: Q. When did you leave the

Lakeshore address?

A. I had an association at the Lakeshore address until 1958. Prior to that I had opened in -- a branch office in Port Credit, and, subsequently devoted my full time in Port Credit.

Q. Now, what was your telephone number at your latter address?

THE COMMISSIONER: Superior Avenue?

MR. WILSON: Q. Superior Avenue address?

A. I have forgotten which --

Q. Crescent 8-5289?

A. No, that is Port Credit.

Q. That is at the Lakeshore Address, 72?

A. No, no. You are referring there to Mimico. That was a Clifford number in Mimico. The Crescent number is in our Port Credit offices.

THE COMMISSIONER: Q. When did you sever any office connection in Mimico?

A. 1958, your lordship.

Q. And, then, you moved your office to Port Credit?

A. Yes, sir.

Q. What was the street address in Port Credit?

A. 257 B Lakeshore Road East, Port Credit.

Q. What was the telephone number

A. I had an association at the
Baltimore address until 1930. Prior to
that I had moved in -- a house style is
Port Credit, and, subsequently divested my
full time in Port Credit.

Q. [illegible]
number at your latter address?

[illegible]

A. I have forgotten exactly --

Q. [illegible]

A. No, that is Port Credit.

Q. That is at the Baltimore
Address, 727

A. [illegible]
there to Blantyre. That was a C.N.R.Ford number
in Montreal. The Toronto number is in our
Port Credit office.

THE COMMISSIONER: Q. When did you
sever any office connection in Montreal?

A. 1928, your Lordship.

Q. And, then, you moved your office
to Port Credit?

A. Yes, sir.

Q. Have you the correct address
in Port Credit?

A. Why I Baltimore Road East,
Port Credit.

Q. What was the telephone number?

at that place?

A. The telephone number, Crescent 8-5289.

Q. Crescent?

A. 8-5289.

Q. Yes?

A. Also, 5280.

Q. Crescent 8-5280?

A. Yes. We also have a third telephone number, Crescent 8-5631, your lordship.

Q. All right.

MR. WILSON: Q. Now, so far as the Crescent 8-5289 number is concerned, did you make some arrangement with Vincent Feeley and Joseph McDermott for the use of that phone?

A. I made an arrangement with Mr. Feeley.

(Page 7925 follows)

as that plan?

A. I made an arrangement with
Mr. Pooley.

Q. You make some arrangement with Vincent Dooley
and Joseph McDermott for the use of that
land?

A. I made an arrangement with Vincent Dooley
and Joseph McDermott for the use of that
land.

Q. All right.

MR. WILLIAMS: I, Tom, do not have
Covenant 8-2580 marked in connection, did
you?

MR. [illegible]: Tom, do you have
Covenant 8-2580 marked in connection with
this?

Q. All right.

[illegible number, Covenant 8-2580, was
marked.

Q. Now, Mr. [illegible], you have
Covenant 8-2580 marked in connection with
this?

A. Yes.

Q. Have you ever seen that
document before?

A. No.

Q. Now, Mr. [illegible], you have
Covenant 8-2580 marked in connection with
this?

A. Yes.

Q. Have you ever seen that
document before?

A. No.

Q. Now, Mr. [illegible], you have
Covenant 8-2580 marked in connection with
this?

A. Yes.

Q. Have you ever seen that
document before?

A. No.

Take C
.Cathcart

Q. So, your arrangements were with Mr. Vincent Feeley?

A. That is right, sir.

Q. Now, tell us when you made the arrangements, and what the arrangements were.

THE COMMISSIONER: First of all, when did you make them?

A. I am not sure of the exact date when, when it was made. I think it was some time in 1958.

MR. WILSON: Q. Well, maybe this statement that you made on the 15th of June, 1960, may help you fix the date. Is that your signature?

A. Yes, sir.

Q. Is that your statement?

A. Yes, sir.

MR. WILSON: Would you file this, Mr. Commissioner as an exhibit.

THE SECRETARY: 201.

MR. WILSON: Yes.

THE COMMISSIONER: What is the date?

MR. WILSON: It is a statement by this witness.

Q. Given to whom?

A. Inspector Graham and Constable Moore.

MR.WILSON: Yes. And it is dated June 15th, 1960.

THE COMMISSIONER: It will be Exhibit 201.

--- EXHIBIT NO. 201: Statement of Morris Gogek, dated June 15, 1960

MR. WILSON: I want to let the witness have it.

Q. If you will look at the second page of Exhibit 201, it may help you fix the time when these arrangements were entered into with Mr. Feeley.

A. I don't see anything at the moment.

Q. Oh, I thought the words in the first or second paragraph of that second page would help you. It says it was one year ago.

A. Yes, that is right.

Q. That would take us back to about June, 1959?

A. I think it was dated a little before that.

Q. A little before that?

A. On later recollection.

Q. Now, tell us what the arrangement was.

A. Mr. Feeley was in my office on some real estate business, and he casually asked if I wouldn't mind if he made certain phone calls elsewhere, if he could charge them to our Crescent number and he would settle with me once a month or once every

two months after the bills came in from the Bell Telephone. And at that time I didn't think too much of it, and extended it to him asa favour.

Q. Well, tell us how it worked, how did this work out, with the calls placed at your office?

A. None of the calls were ever made at our office. But when the bills came in we paid the ---

THE COMMISSIONER: Who is "we"?

A. Our office, your lordship.

Q. Was there any other lawyer associated with you, or were you alone?

A. There are two lawyers associated with me, your lordship, but this arrangement was made between myself and Mr. Feeley.

THE COMMISSIONER: All right.

A. Our office paid the telephone bills in the regular course of paying our bills. Mr. Feeley would come into our office and see me personally once every month, after the bill was issued, sometimes it ran into once every two months. And he would go over the items that appeared to be his calls. And I would glance over the long distance slips and also check out the calls that didn't appear to me to be related to our regular business operations.

And then he would pay me for the ---

MR. WILSON: Q. Pay you by cash?

A. Pay me by cash, that is right.

Q. How long did this arrangement last?

A. It lasted until, I believe a Friday in June, early in June, in 1960.

Q. Just after Wright was arrested it came to a sudden end, didn't it?

A. That is correct, sir.

Q. Now, before we deal with that. What did Mr. Feeley tell you was the reason why he wanted to use this number for his purposes?

A. I can't think of any legitimate reason. He sort of put it up to me "Do you mind if I do this" and I have known him for some time as a client of the office.

Q. You had known him how long before this?

A. Dating back to 1951 or 1952.

Q. You had done legal business for him?

A. Real estate business.

Q. And also Joseph McDermott and James Ryan?

A. Yes.

Q. You knew as a result of your

association with him in that way prior to this request being made in 1959, what his business was, didn't you?

A. Well, yes, his alleged business.

Q. As a gambler?

A. Yes.

Q. And what about his business as a bookie, you knew about that too, didn't you?

A. Well, I had known he was associated with Mr. McDermott and Mr. Ryan earlier when I had been in Minico, and I had placed one or two bets. But the business of my bets, those bets were always with Mr. Ryan, so I can't specifically say I had done any business placing a bet with Mr. Peeley.

Q. But you did act for the three of them and knew they were partners?

A. Yes.

Q. Yes. And you knew that Peeley was a gambler and a bookmaker?

A. Well, he did have that reputation.

Q. Well, did he have any other reputation?

A. Well, I acted officially for him on several real estate transactions where they purchased properties. I collected rents on several properties for them from the

time I ---

Q. I will get you later to identify certain files where you acted for those three men. But did you haveany knowledge of any gainful employment other than gambling and bookmaking that he might have engaged in?

A. Just hearsay in which in the later years that he was associated with a mining company.

Q. I see. Kruo?

A. Yes.

Q. Now, what were the monthly bills running on an average during the period that this arrangement was in force?

A. Our total bills?

Q. That Feeley was paying for.

A. I would say the amounts that he paid per month would run anywhere from $30 to $50.

Q. And where were the calls to that he was paying for, what places?

A. Again, I am just going from memory of slips that we no longer have.

THE COMMISSIONER: Where are they now?

A. Mr. Feeley picked them up.

Q. When? After Wright's arrest or before?

A. After Wright's arrest, your lordship.

MR. WILSON: Q. Well, now, just to the best of your memory where chiefly were those calls to?

A. Niagara Falls, St. Catharines, Belleville, I believe Port Arthur or Fort William. There are probably others, too.

THE COMMISSIONER: Niagara Falls, ST. Catharines, Belleville?

A. Port Arthur and/or Fort William. I am sure in my own mind others, but ---

Q. Any out of Canada that you recall?

A. I don't recall, your lordship.

MR. WILSON: Mr. Commissioner, the particulars of those calls will be found in Exhibits 159 and 163, which I don't think we need to go into in detail at the moment.

THE COMMISSIONER: Thank you.

MR. WILSON: Q. Now, we are told that Wright was arrested on May 28th, 1960. How soon after that occurred did Feeley come to you and ask you for the slips?

A. I believe it was Friday, June the 3rd, because I believe Monday was the 6th when Inspector Graham and Constable Moore were down at my office. That was the previous Friday.

Q. Yes. Tell us what he asked

you for, and what occurred?

A. Mind if I look at this earlier statement?

Q. Yes, if you wish to refresh your memory. If you will look at page 2 I think it might help you.

A. Yes, he attended at my office on the Friday afternoon, stated he wouldn't be using the telephone any longer, settled with me for the slips up to -- that we had from the Bell Telephone up to that date. The bill for the current month up to -- our bills usually come in around the 10th or 11th or 12th of the month, and he suggested that we phone the Bell Telephone and request an up-to-date statement immediately. I believe it was a busy time of the year for us and I indicated to him I would telephone, but I never did, as -- at the time I didn't -- there was no particular urgency as far as I was concerned, and I didn't appreciate his urgency, and I never did have a chance to phone the Bell Telephone. I was expecting them to come in in the regular routine.

Q. Then, a few days after that, I think it was Monday, June the 6th, did Chief Inspector Graham contact you?

A. That is right, sir.

Q. And tell us about that?

A. He and Constable Moore and several other officers attended our offices and enquired about the use of our telephone. And he also wanted to see all of our files that we had done business for Feeley and McDermott. And I picked them out. Most of them were closed files. And I passed them on to Inspector Graham. And he asked about the use of the phone, of our telephone line by Feeley, and I gave him -- I gave him the information he requested at that time. And I subsequently, about a week or two later, gave him this statement.

Q. Now, we have had in evidence that when Constable Moore was at the Bell Telephone making a search of the calls on this Crescent 8-5289, somebody came into the Bell Telephone Office and asked for the slips on this phone. Did you authorize anybody to do that?

C2

A. No, sir.

Q. And you had no knowledge of that, I take it?

A. I believe Constable Moore found the telephone chit on my desk, and I recollected that Mr. Feeley -- I believe it was Mr. Feeley -- had telephone meaaking me to phone somebody at the Bell that somebody would be coming down. But it was a busy

time of the year for me and I didn't make any such call.

Q. Now, who usually picked up these slips for Feeley?

A. Mr. Feeley himself.

Q. Was there anyone else who picked them up on occasion?

A. No, sir.

Q. Are you sure George Reid didn't do it on occasion?

A. No, sir. At least, not in my office.

Q. Not in your office. Now, has Feeley contacted you since this Commission was set up?

A. I think, I think at the time of the trial, this last trial, I think I met --

Q. You mean in the 1962 trial of Wright, McDermott and Feeley?

A. Yes.

Q. That is this year?

A. Yes. I talked to him casually at the City Hall.

Q. And has he suggested anything to you about this Commission?

A. No, sir.

Q. About any evidence you might give at this Commission?

A. No, sir.

Q. Now, the business matters that

you had for Ryan, McDermott and Feeley, when did they -- when did that start?

A. I would think about 1951 or 1952, possibly 1950.

Q. And before I leave the other point. Did Mr. Rose speak to you about your evidence this morning?

A. I met him while he was having a coffee just out in the hall.

Q. I mean, did you discuss what evidence you might be giving today?

A. No, sir.

Q. Was there a partnership agreement between Ryan, McDermott and Feeley?

A. Not a written one to my knowledge.

Q. Now, maybe we can shorten this because I may want you back after we have had an opportunity of analyzing these files. The files, I have them listed, that you turned over to Chief Inspector Graham and Constable Moore, reads:

1. Ryan leases No.5346, 1280 Lakeshore and 132 Sixth Street.

A. Excuse me, would they be in this pile?

Q. They should be. They should be all there. Do you want to open them up? Be careful they don't fall over.

A. May I have those names again?

Q. Ryan lease, No.5346, which I take is your file number; is it?

THE COMMISSIONER: For what?

MR. WILSON: Q. No.5346. Have you file numbers on these files?

A. They are on some of them, but not all of them. Yes, we have 5436(sic).

Q. Fine. Then, that will be 202. I thought we would have the witness list each one.

THE COMMISSIONER: How are you going to keep the contents together? They look as though they are just thrown together.

MR. WILSON: They are all in folders.

THE COMMISSIONER: But the contents are loose.

MR. WILSON: We can put each one in an envelope.

THE COMMISSIONER: Well, something that will ensure they will not be scattered all over. Even as he handles them they are liable to fall out.

THE WITNESS: I have 2028 here, sir.

THE COMMISSIONER: You identify the files one by one, if you would.

A. Number 5346, Ryan lease, 1280 Lakeshore Road. No.2028 ---

THE COMMISSIONER: Just a moment. 1280 Lakeshore Road?

A. Yes, your lordship.

THE COMMISSIONER: Just a moment. Make that Exhibit 202.

--- EXHIBIT NO. 202: File No.5346, Ryan Lease, 1280 Lakeshore Road and 132 Sixth Street.

THE COMMISSIONER: Next?

A. 2028, is simply called "Ryan".

Q. Ryan?

A. Ryan, R-y-a-n, is the heading.

Q. What does it contain?

A. It contains a copy ---

THE COMMISSIONER: You are going to look inthe contents after they are all entered; is that the idea?

MR.WILSON: Yes, Mr. Commissioner.

THE COMMISSIONER: All right. Don't tell me the contents at the moment.

What is the next? That will be 203, the next will be 204.

--- EXHIBIT NO. 203: File No. 2028, Ryan.

THE WITNESS: Are you making the next number, sir?

MR.WILSON: Q. It doesn't matter.

A. 5696, Ryan Purchase Sheffield Construction.

--- EXHIBIT NO. 204: File No.5696, Ryan Purchase, Sheffield Construction

THE WITNESS: No. 1595, Ryan, re Imperial

Life loan.

THE COMMISSIONER: 205.

--- EXHIBIT NO. 205: File No. 1595, Ryan, re Imperial Life loan.

THE COMMISSIONER: Yes?

A. McDermott, et al, re Knox Furniture Company, tenancy.

THE COMMISSIONER: 206.

--- EXHIBIT NO. 206: McDermott, et al, re Knox Furniture Co. tenancy

THE WITNESS: Earl J. Stokes, purchase from Gibson.

THE COMMISSIONER: 207.

--- EXHIBIT NO. 207: Earl J. Stokes, purchase from Gibson

THE COMMISSIONER: Is there a number to that?

A. I don't believe there is, your lordship.

Q. All right.

A. VWFeeley, re Wholesale Tobacco.

THE COMMISSIONER: 208.

--- EXHIBIT NO. 208: V.W.Feeley, re Wholesale Tobacco

THE WITNESS: P.Feeley, re Lakeside Cigar Store.

THE COMMISIONER: 209.

--- EXHIBIT NO. 209: P.Feeley, re Lakeside Cigar Store.

THE WITNESS: McDermott, Ryan and Feeley, re General.

THE COMMISSIONER: 210.

--- EXHIBIT NO. 210: McDermott, Ryan and Feeley, re General

THE WITNESS: No. 3949, Ryan and Courier purchase from Rainey.

THE COMMISSIONER: Ryan who?

A. Courier, C-o-u-r-i-e-r.

Q. Purchase from?

A. Rainey.

MR. WILSON: Q. Before we leave that one. Are you sure that is the same James Ryan we are concerned with here?

A. I just looked at this file. I believe it is Patrick Ryan, who is his brother.

Q. His brother?

A. Yes.

Q. We are not much concerned with that. Well, we will have it in.

THE COMMISSIONER: 211.

--- EXHIBIT NO. 211: File, Ryan and Courier purchase from Rainey.

THE WITNESS: Now, there are some loose documents here in connection with a mortgage between Ryan, McDermott and Feeley to Coman.

THE COMMISSIONER: 212. If you get a folder and put those in a folder.

--- EXHIBIT NO. 212: Loose documents in connection with mortgage between Ryan, McDermott and Feeley to Coman

THE WITNESS: No.2533, Ryan, re Groulx, G-r-o-u-l-x, mortgage.

THE COMMISSIONER: 213.

--- EXHIBIT NO. 213: Ryan, re Groulx mortgage.

THE WITNESS: Ryan, re Long Branch property, No.1225.

THE COMMISSINER: 214.

--- EXHIBIT NO. 214: Ryan, re Long Branch Property No. 1225

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THE WITNESS: James Ryan, re the purchase from Hardacre, H-a-r-d-a-c-r-e.

THE COMMISSIONER: 215.

--- EXHIBIT NO. 215: James Ryan, re purchase from Hardacre

THE WITNESS: No. 2521, McDermott, purchase Anglican Church.

THE COMMISSIONER: 216.

--- EXHIBIT NO. 216: McDermott, purchase Anglican Church, File No. 2521

THE WITNESS: No. 898, V.B.Feeley, re lease.

THE COMMISSIONER: V.B.?

A. V.B. Feeley, your lordship.

--- EXHIBIT NO. 217: File No.98, V.B.Feeley re lease

MR. WILSON: Q. Now, approximately how much in legal fees did you receive from these three men in the period you acted for them?

A. I would say over a period of nine or ten years, fifteen hundred to $2,000.

Q. Well, I would ask you to prepare a statement of the fees and list them and let us have it. You can take it off your books andlet us have it.

A. Well, I probably would have to refer to those files.

THE COMMISSIONER: Have you a ledger account?

A. Dating back ten years I might really have to dig into journals.

MR. WILSON: Well, if you have any problems in connection with your books of account you can always see these files in the Commission office.

A. I think, sir ---

MR. WILSON: We will be recalling you in connection with some of those matters covered by these files.

A. Excuse me, when would you want them back?

Q. When would I want you back?

A. No, when would you want the statement of the fees?

Q. Whenever you can list them and let us have them. Not within the next day, but we want them in a reasonable period of time.

THE COMMISSIONER: Well, now, you are not asking him any questions about the contents of those files?

MR. WILSON: Not at this time, Mr. Commissioner.

THE COMMISSIONER: Any questions?

MR. MacKINNON: Yes.

EXAMINATION BY MR. MacKINNON:

Q. I don't know whether you were asked by Mr. Wilson, but I will ask again if you were, when were you called to the Bar?

THE COMMISSIONER: 1949, he said.

MR. MacKINNON: Q. 1949?

A. I believe in the Fall of '48.

Q. Oh, '48?

A. Yes.

Q. And we have heard, I believe, from you today you were under no illusions in 1959 as to the occupation of Feeley or McDermott; is that correct?

A. By reputation, yes.

Q. I believe in your statement you said you placed bets with them or their associates

in earlier years?

A. One or two bets, that is right.

Q. You made a rather -- to me, at least -- an astonishing statement, you said you couldn't think of any legitimate reason, legitimate reason was the word you used, for Feeley wanting you to use your phone, or I believe charge calls to your phone; is that correct?

A. When he first asked for this favour, he put it casually to me, "Do you mind if I use" or "use your telephone number to state on any ---" and then "when I am making a call, not in your office, mind you --" but you have to give the operator what number to charge. He put it to me casually, "Do you mind if I use your number?". I can't recall what specific words he stated, but as I recall it, it is almost a client asking, "Do you mind doing a favour for me?", something like that.

Q. Yes. But you said you couldn't think of any legitimate reason -- neither can I for that matter -- for him wanting to use your number; is that correct? Are you going to change it now? It can only be for an illegitimate reason he wanted to use your number; isn't that true?

A. I didn't give it that much thought at the time, but when he approached

me to make the arrangements.

Q. Didn't you have at least a little curiosity when he wanted to use your number?

A. I didn't give it much thought.

Q. You didn't ask him why, or you assumed you knew why, which was it?

A. It is easy to have hindsight, and certainly if I had any knowledge who he was calling, and for what purpose, certainly the arrangement would not have carried on.

Q. You knew that at the time, you said it couldn't have been for any legitimate purpose. That is what I am putting to you, you knew at the time it couldn't be for any legitimate purpose?

A. I don't think, Mr. Wilson -- or when I answered his question certainly I didn't think in terms of why he would want to use the telephone.

THE COMMISSIONER: You said it wasn't -- that you couldn't think of any legitimate reason why he would want that arrangement. You seemed to stress that.

A. I don't think I gave it any particular thought when he asked a favour, your lordship.

Q. But the impression you left with me you did give it some particular thought because you said in your evidence

today that at the time you couldn't think of any legitimate reason why he would want that arrangement. You were giving it some thought?

A. I had no -- I have got no other client who has asked for that arrangement and at the time ---

Q. That is all the more reason you would be surprised by this particular client asking for this particular arrangement. And I can quite understand, it was because it was something unusual, you would have given it some thought at the very moment?

A. Well, your lordship ---

Q. You said at that time you were giving it thought, you couldn't appreciate that there would be any legitimate reason for him wanting that arrangement. Now, have I fairly stated what you have already said in evidence this morning?

A. I suppose, your lordship.

MR. MacKINNON: Q. Surely you didn't think this a normal solicitor-client relationship, you are not trying to tell us this is a normal solicitor's performance of his duties, to allow a client to use or charge calls to the solicitor's number for an illegitimate purpose; you are not using that as a defense here, that this was a normal solicitor's service to his client?

A. He approached me in a casual way on it, and I didn't give it too much thought at the time. I believe I extended a favour to a client.

Q. To this kind of client ---

THE COMMISSIONER: This kind of favour?

MR. MacKINNON: Q. Surely by the end, at least, of the first month's bill you would know what was going on, calls to Niagara Falls, St. Catharines, dozens upon dozens of them? You looked at your bills, you told us, and paid the ones you knew were yours; isn't that correct?

A. I paid the whole bill.

Q. You paid the whole bill?

A. And then a revision altogether of the calls that were there. There were a few, we have also had phone calls to those towns on legitimate business.

Q. Yes, and you charged them to the clients?

A. Yes.

Q. So, you isolated them. But the many which were left over and not charged to clients, the charge to Feeley, you would know they were being made, you couldn't help but know it if you were charging clients for calls?

A. They were charged to us and I received a refund from Feeley for the

extent of them.

Q. I suggest to you by then, at the end of the first month of this arrangement you would surely know, or have very strong suspicions as to what your telephone number was being used for?

A. I didn't give it much though.

Q. That is your answer, you didn't give it much thought?

A. In fact, not very much thought.

Q. You do agree this was a most unusual request, certainly in your experience?

A. Yes, that is correct.

Q. Didn't you, didn't you ask any questions about it, as to why he would want this? He had a phone of his own, of course.

THE COMMISSIONER: You knew that, you knew he had a phone of his own?

A. I wasn't sure he had a phone.

Q. Oh....

A. In ---

Q. Don't suggest, Mr. Solicitor, that a man who has this volume of business, consulting you, so frequently didn't have a telephone?

A. Oh, I believe hehad a telephone at his home, but that was in Toronto.

MR. MacKINNON: Q. What?

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THE COMMISSIONER: What difference does it make?

MR. MacKINNON: Q. He wasn't phoning from your office, just charging calls to it?

A. That is right.

Q. What difference where he had his phone, he wasn't coming in to your office to make these calls?

A. No, never made them in our office.

Q. Why, in your way of thinking, why would he want to charge calls that he was making from his own phone, or someone else's phone, for that matter, to your phone number, who was it to defeat?

A. I just simply didn't give it much thought.

THE COMMISSIONER: Q. Did it not occur to you right then and there that he must have had some reason for not wanting to have these telephone calls charged to his own telephone number? It strikes me that way, that would hit you immediately, and didn't it?

A. I suppose it should have.

Q. Q. Well, did it?

A. I can't say that it did, your lordship.

Q. Well, you must have been --

I can't understand that answer, Mr. Gogek. It seems to me that a lawyer with all his training would realize at once when such a request as that were made that the man who was making it had some reason for not wanting those telephone calls to be charged to his own number. Certainly it would arouse my suspicions immediately. Now, in all frankness, didn't that occur to you?

A. I simply didn't give it any -- very little thought, your lordship.

Q. As little thought that you gave to it, didn't that phase of it strike you at once?

A. I suppose it should have, your lordship.

Q. I should have thought so.

A. I can't say that it did, though.

MR. MacKINNON: Q. I will add this, particularly knowing, as you did, Peeley's reputation. But you still say you gave it little thought? Actually, as I understand your evidence, you gave it no thought at all.

THE COMMISSIONER: No, no. He gave it a little thought.

MR. MacKINNON: Q. But I haven't been --

THE COMMISSIONER: You see, Mr. MacKinnon,

he has already said at the very moment it struck him there was no legitimate purpose. Therefore, it must have been for an illegitimate purpose.

MR. MacKINNON: Q. You didn't consider yourself you were lending yourself as a solicitor to an illegitimate purpose?

A. No, sir.

Q. Now, Inspector Graham and Constable Moore attended on your office, or at your office on June 6th, 1960; didn't they?

A. That is right, sir.

Q. Yes. And from Constable Moore's notebook I see that when he was going through -- casually leafing through some papers on your desk he picked out a slip ---

THE COMMISSIONER: I am sorry, I was busy writing something else. What was that date?

MR. MacKINNON: June 6th, 1961 -- 1960, I am sorry, after Wright's arrest.

THE COMMISSIONER: What is Moore's diary number?

MR. MacKINNON: It is not in as an exhibit yet, my lord.

Q. He said he picked out the following slip, and there is a notation in your handwriting which reads:

"Long Distance Calls F.Feeley

"Crescent 8-5289, Bell -- Bloor

"West and Runnymede (Andrews)

"Miss Gallagher, Local 240"

Do you remember making this notation?

A. Yes, sir.

Q. Who is Mr. Andrews?

A. I don't know, sir.

Q. You must have had some knowledge at the time you made the notation?

A. Well, I think at the time I talked to Mr. Feeley on the phone and he requested that we pick up that last month's telephone slips, and I must have put it down, the name of somebody that he intended to send to pick up the slips.

Q. That would be Mr. Andrews?

A. That would be Mr. Andrews. I simply took these notes down as I talked to him, sort of little doodling names and so on, and the girl to talk to at the Bell Telephone would be Miss Gallagher.

Q. And her local number?

A. Yes.

Q. Do you say now you didn't speak to Miss Gallagher?

A. Yes.

Q. Do you say Miss Gallagher didn't call you?

A. Not that I recall.

THE COMMISSIONER: Mr. MacKinnon, I think we will have a recess.

--- Whereupon the hearing recessed.

(page 7960 follows)

---On resuming at 12:10 p.m.

MR. MacKINNON: Q. About this notation whichwas found in your desk, the purpose of that memo, I take it, was to remind you that you were to make a call to tell Miss Gallagher -- it should be Mrs. Gallagher that this man Andrews was going to come in and pick up the toll slips. That is correct?

A. That is right.

THE COMMISSIONER: What are you reading from?

MR. MacKINNON: These are my own notes which were made from Moore's notebook.

THE COMMISSIONER: I beg your pardon.

MR. MacKINNON: Q. Now, Feeley came in apparently, or did he telephone you, on June 3rd, the Friday?

A. He was in on the Friday.

Q. He was in. And he asked you to do this for him, to call?

A. He settled the bill up to date.

THE COMMISSIONER: Q. And what else?

A. He said that would be the last he will be using the telephone and that he wanted the slips, these right up to date even though they are not due from the Bell Telephone. He would like to settle them immediately. And I

---Q. (Continued) At 10:15 p.m.

MR. McCLINTOCK: Q. Above this

relative statement (Read it from 1949, the Decree

of that memo, I take it, was to remind you that

you were to make a call to tell Miss Gallagher --

it should be Pre. Gallagher that this was Valvoline

was calling to ensure it and pick up the vinyl strip.

Was it received?

A. That is right.

THE COMMISSIONER: What are you reading

from

MR. McCLINTOCK: Those are my own notes,

which were made from Moore's notebook.

THE COMMISSIONER: I beg your pardon.

MR. McCLINTOCK: Q. Now, Foley came in

eventually, he did be telephone Pre, on June 3rd,

the Friday?

A. He was in on the Friday.

Q. He was in. And he asked you

to do this for him, to call?

A. He wanted the bill up to

date.

THE COMMISSIONER: Q. And what else?

A. He said that would be the

last he will be using the telephone and that he

wanted the slip, those right up to date even

though they are not due from the bell Telephone.

He would like to settle them immediately. And I

believe he requested me to phone the Bell Telephone to get them.

MR. MacKINNON: Q. That is right. He must have requested you to do this. And he gave you instructions as to who would be going to pick up the toll slips. He gave you the man's name?

A. That is a memo from the Monday morning.

Q. And he gave you Mrs. Gallagher's name and local?

A. Right.

Q. Now why do you say this is a memo from Monday morning? Did he phone you on Monday?

A. I can't recall.

Q. Why do you say Monday? There is no date on it?

A. No. I think he spoke to me on Friday and I think the telephone call came through on the Monday morning to make a call.

Q. Having asked - - - -

THE COMMISSIONER: The telephone call from whom?

A. Mr. Feeley.

MR. MacKINNON: Q. And you said you would do it, didn't you?

A. Yes.

Q. All right. Now, would there

believe he requested me to place the call telephone
to get them.

MR. MACKINNON: Q. That is right.

He may have requested you to do this. And he
gave you instructions as to who could be going
to pick up the toll slips. He gave you the
man's name?

A. That is a name from the Dunlop
agency.

Q. And he gave you Mrs. Gallagher's
name not Donald?

A. Right.

Q Now why do you say this is
a name from Dunlop agency. Did he phone you on
Monday?

A. I can't recall.

Q. Why do you say Monday? Where
is no date on it?

A. No. I think he spoke to me
on Friday and I mean the telephone call came
through on the Monday morning in case I fail.

Q. Having seized - - - -

THE CHAIRMAN: The telephone call
from whom?

A. Mr. Healey.

MR. MACKINNON: Q. And you said you
would do it, didn't you?

A. Yes.

A. All right. Now, would those

be any reason for him getting someone else to do it? You had indicated you were prepared to accede to his request?

A. Yes.

Q. Did he suggest to you that he was going to phone or he was going to get someone else, apart from yourself, to phone Mrs. Gallagher? That wasn't suggested, was it?

A. I don't think so.

Q. No. There would be no point to asking you and getting your acquiescence in it if he was going to do it himself or was going to get someone else to do it?

A. I am not sure - - -

Q. There would be no point to asking you to phone Mrs. Gallagher if he was going to phone Mrs. Gallagher or was going to get someone else to phone Mrs. Gallagher?

A. I made no arrangements for him to phone Mrs. Gallagher.

Q. No, you didn't.

A. No.

Q. You said you would do it?

A. That is right.

Q. Do you still say you did not phone Mrs. Gallagher?

A. That is right. I didn't.

Q. So that if somebody phoned her

and said they were Mr. Gogek, and a Mr. Andrews was going to come and pick up the toll slips, you swear it wasn't you?

A. That is right.

Q. How are you so clear on that?

A. I believe Constable Moore found the chits and it was a refresher at that time what it was about, which was on the ~~xxipxx~~ 6th, on the Monday, and I think I said something in my statement what all the chits represented.

THE COMMISSIONER: Q. Do you want to look at your statement?

A. Would you mind, sir? I think Constable Moore could vouch there were dozens of telephone slips on my desk. He took this one out of many. I think that would confirm that I had many phone calls and chits that I couldn't attend to immediately and this one also was one. I didn't call the Bell Telephone. I am sure in my mind that I didn't call them to make any arrangement to pick up because in my mind at that time, while Mr. Feeley may have had some urgency in the matter -- this was before Inspector Graham and Constable Moore were at my office -- to me it didn't have the urgency and I didn't phone.

MR. MacKINNON: Q. Constable Moore in his notebook indicates that you told them himself and Inspector Anderson, that Feeley came

himself and Inspector Anderson, that Lesley came in his notebook indicates that you said when

MR. MacKINNON: Q. Constable Moore

A. [illegible] Inspector Graham and Constable Moore were at my office -- to me it didn't have the urgency and I didn't [illegible]

MR. MacKINNON: Q. Constable Moore was going to come and pick up the tool kit.

Can swear it wasn't [illegible]

A. That is right.

Q. How are you so clear on that?

A. [illegible]

found the cloth and it was a reference at that time what it was about, which was on the missing Grib, on the Monday, and I think I had something in my statement what all the cloths represented.

THE COMMISSIONER: Q. Do you want to look at your statement?

A. [illegible]

I think [illegible] [illegible]

dozens of telephone slips on my desk. He took this one out of many. I think that would confirm that I had many phone calls and cloth that I couldn't attend to immediately and this one also was one. I didn't [illegible].

I am sure in my mind that I didn't call then to make any arrangement to pick up because in my mind at that time, while Mr. Lesley may have had some urgency in the matter -- this was before Inspector Graham and Constable Moore were at my office -- to me it didn't have the urgency and it [illegible]

into your office late in the day on Friday, but that he had phoned you much earlier, making this request to you that you phone Mrs. Gallagher. Do you remember that, that Feeley phoned you before he ever came into your office on the Friday?

A. I don't recall.

Q. But you would not contradict them. You don't recall?

A. That could be. I went over the thing, the chit, with Constable Moore and Inspector Graham when they found it on my desk through dozens of other chits. He may have called. It is quite possible. He may have called and wanted these final chits and then said, "I amcoming down to pick up and pay for the previous month or two". I am not sure in what sequence the phone call ~~xxxx~~ actually was.

Q. Apparently on June 6th, 1960, you told Mr. Moore, or Constable Moore, and Chief Inspector Graham this, in any event, that Feeley had called you on the Friday earlier and asked you this information as to whom to call at the Bell Telephone and made the request. Did you have any law student in your office at that time?

A. No, sir. At that time we had a law clerk and he is still with us.

Q. His name wasn't Andrews?

A. No, sir.

THE COMMISSIONER: Q. This man Andrews, is he a mysterious individual at the moment?

A. I don't know anything outside of that chit with instructions from Mr. Feeley that he will have Mr. Andrews call. I know nothing of - ---

Q. To call where?

A. To call at the Bell Telephone to pick up the final months slips.

MR. WILSON: Mr. Commissioner, you will recall Constable Moore's evidence. He identifies Andrews as being George Reid. The next witness will confirm that.

MR. MacKINNON: Q. George Reid wasn't into your office, was he, in the week or so preceding Chief Inspector Graham's visit to your office?

A. No, sir.

Q. You know George Reid?

A. I know George Reid, sir.

Q. You had met him on at least one occasion in the Veterans' Club?

A. That is right, sir. I had previously done some real estate work for him too.

Q. Well, did Feeley tell you who this Anders or Andrews was?

A. No, sir.

Q. Did you ask him?

A. No, I didn't ask him.

Q. Had you ever heard the name before?

A. No, sir.

Q. Possibly if I might turn to the time -- did you just attend at the Veterans' Club once?

A. Yes, sir.

Q. And that was in January or February, 1960?

A. Right, sir.

Q. And you went with an associate?

A. Yes, sir.

Q. And you had some difficulty getting in. You had to go through - - - -

A. Yes, I had to go through a routine to get in. I couldn't just walk in.

Q. No. The door was locked?

A. That is right.

Q. Will you explain how you got in? You were invited there by Feeley?

A. That is right.

Q. You attended at the club and what happened? What was the routine you had to go through?

A. You park your car and the

attendant asked if we were members. We said no, and then we were ushered over to this little cubicle where there was another attendant and the door to the building appeared to be without a handle and it could be opened only from the inside.

Q. It was a heavy door too?

A. Yes, a heavy door. He asked us to fill out a card giving our names and occupations. He slipped the card under the door and I think he had spoken previously to somebody. I forget what arrangement -- somebody through the wall. I forget just what arrangement there was for the two to speak on both sides. And after the card went under the door, in a few minutes Mr. Feeley came to the door. It was opened and he ushered us in.

Q. And you observed the game that was in progress the evening you were there?

A. Yes, sir.

Q. It was a bank game?

A. Well, I haven't played too much dice, and from what the explanation of a bank game is, it could have been a g bank game.

Q. There were four men, in your statement, who appeared to be incharge of the game?

A. Yes.

Q. And they appeared to control

the dice, according to your statement?

A. Yes, sir.

Q. They made various calls?

A. Yes, sir.

Q. And did the banker appear to have a large amount of money?

A. Yes, sir.

D/2

Q. Any idea how much?

A. No idea.

Q. But the majority of the bills appeared to be one hundreds and fifties, according to your statement?

A. A good portion of them, yes.

THE COMMISSIONER: Q. From what you saw, did you have any opportunity at all of estimating the size of the bank roll?

A. No, your lordship.

Q. Was it stacked in ~~a~~pile?

A. A large stack which were hundreds, fifties, twenties, tens.

Q. How high was it stacked?

A. Roughly this big. (Indicating).

Q. Three inches?

A. It could be three inches.

MR. MacKINNON: Q. The majority of the bills appeared to hundreds and fifty dollar bills. That is your statement, given in June, 1960?

A. Maybe it was my -- I wouldn't like to say that as a statement of fact.

like to say that is a statement of fact.

A. Maybe it was my -- I mean's

that is your statement, given in June, 1900?

Q. The majority of the

MR. McKINNON:

A. It could be three inches.

Q. Three inches?

A. Enough by this big. (Indicating).

Q. [illegible]

A. Yes, sir.

Q. [illegible]

A. Yes, sir.

Q. Did you have any discussion at all of

anything the size of the [illegible]

Q. Was it checked in white

A. A large stock which were

[illegible], [illegible]?

Q. [illegible]

A. Yes, sir.

have a large amount of money?

A. Yes, sir.

Q. [illegible]

A. Yes, sir.

Q. Did the opening of the bill

disposed to be one hundred and fifties, according

to your statement?

A. [illegible]

Q. [illegible]

Q. Did you have any objection at all of

now, did you have any objection at all of

Q. I say it appeared - - -

A. I wouldn't know where the hundreds ended and the fifties started and the fifties ended and the twenties started.

Q. I am quoting from your statement, "the majority appeared to be one hundred and fifty dollar bills". Is that still your view?

A. Yes, I would say so.

Q. Did you meet Mr. McDermott there that night?

A. No, sir.

Q. Who were these bankers or the four men who were running the game?

A. I don't know them at all.

Q. You don't know any one of them?

A. No, sir.

Q. Now, the beginning of your statement which was made in June, 1960, you stated you had acted first, in particular, on the purchase of a property on Smithfield Drive?

A. That is dating back to possibly 1950 or 1951.

Q. All right. And then you say the property was subsequently put in the name of Mr. Feeley as trustee. Do you remember that?

A. I am not sure if that is correct. I think in my name as trustee for

Mr. Feeley and I subsequently conveyed it to Mr. Feeley.

Q. And he picked up the file in February, 1960?

A. I think that is correct.

Q. Now that was 9 Smithfield Drive, wasn't it?

A. I am not sure whether it is 9 or 7.

Q. You collected the rent for these gentlemen on this property, you stated?

A. That is right, sir.

THE COMMISSIONER: Q. What sort of property was it?

A. A dwelling.

MR. MacKINNON: Q. And the tenant was David Downes, wasn't it?

A. Through at least a portion of the time, I believe it was.

Q. Did you know who David Downes is?

A. I never met him, sir.

THE COMMISSIONER: Q. Did you know who he was?

A. No, sir.

MR. MacKINNON: Q. How was the rent paid, by letter, or did Mr. and Mrs. Downes come to your office?

A. I believe it was sent in by

Mr. Feeley and I subsequently conveyed it to

Mr. Healy.

Q. And he placed up the file

in February, 1987?

A. I think that is correct.

Q. Now that was 3 Smithfield

Drive, until 1-149

A. I've not lived Smithfield-11

is 3 or 7.

Q. You collected the rent from

these premises on 8th January, yes Already

A. That is right, sir.

THE COMMISSIONER: Q. What kept d

property vac 147

A. A dwelling.

MR. McKINNON: Q. And the tenant was

David Dawes, vacant 147

A. Through at least a portion of

the time, I believe it was.

Q. Did you know who David Dawes

147

A. I never met him, sir.

THE COMMISSIONER: Q. Did you know

who he was?

A. No, sir.

MR. McKINNON: Q. How was the rent

paid, by letter, or did Mr. and Mrs. Dawes come

to your office?

A. I believe it was sent in by

cheque, by letter.

Q. Did Mr. Feeley or Mr. McDermott ever tell you who Mr. Downes was and why he was occupying these particular premises?

A. No, sir.

Q. Did you ever attend the Jordan Club?

A. I never attended there, sir.

Q. Now, in Mr. Moore's notebook for June 10th, 1960 - - - -

THE COMMISSIONER: Was Downe's first name David?

MR. MacKINNON: David Downes. We have had him before in the Simple Finance set up, sir. He was president or director of the Jordan Club too.

Q. I will read this to you and see whether this refreshes your memory in any way. On June 10th, in Moore's diary and in his notebook for that date, he said he attended at 9 Smithfield Drive. This was the result of being at your office and seeing some of the files. The residence of David Downes, president of the Jordan Club re further evidence on Robert J. Walker. Then 4:15 p.m. interview with Mr. Isobella Downes; husband's occupation gambler; listed in income tax; any legitimate occupation, none; hasn't worked legitimately for at least ten years; lived here for nine years.

Q. Did Mr. Healy or Mr. McDermott ever tell you why Mr. Dunne was not going to be

A. No, sir.

Q. Did you ever attend the Jordan Club?

A. I never attended there, sir.

Q. Now, in Mr. Moore's statement for June 30th, 1900 - - - -

A. I never attended there, sir. He was president or director of the Jordan Club, he said in his notebook for that date, he said he attended at 9 Smithfield Drive. This was the result of being at your office and seeing some of the files. The residence of David Dunne, on Number 9, Malmer. Then 4:15 p.m. Interview with Mr. Isabella Dunne; husband's occupation Banker; Rated in income tax; any legitimate For at least ten years; lived here for nine years.

Now would that coincide with your knowledge? Was Downes always the tenant of this property since - - -

A. Since the purchase.

Q. Since the purchase of the property?

A. I believe so.

Q. I would point out, Mr. Commissioner, that in Exhibit 188, which is the letter of September 21st, 1956, from Mr. Herman to Edward Handy of Ottawa, with regard to Simple Finance, he is referring to his clients and the third one who is going to be carrying on this finance company is Mr. David Downes, C.P.A., 1519 Romantown Drive, New Toronto, is a certified public accountant and will be interested in and associated with the new company. I am reading from that letter. You say you don't know anything about Mr. Downes, whether he was a certified public accountant or a certified gambler?

A. I never met him sir. I don't know anything of him.

Q. Well now, just talking about the telephone numbers and knowing whether Mr. Feeley had a telephone number or not, according to Mr. Moore's notebook for June the 6th, he states he discovered in your address directory a telephone number -- two telephone numbers for

Feeley, one being Empire 4-8249 and the other being Walnut 5-6139. Now, I presume you would have got the phone numbers from Mr. Feeley?

A. That is right.

Q. Would you have used them, do you think?

A. I can't recall specifically using them at any time.

Q. Did he not tell you the Empire 4-8249 number was the Jordan Club?

A. He may have. I don't recall.

Q. Did you have any discussion with him about the Jordan Club?

A. No, sir.

Q. And as to his interest in it?

A. No, sir.

Q. Do you remember calling the Jordan club to try to speak to him?

A. I believe he must have left these numbers if I ever had to get in touch with him. I can't recall calling either number for anypurpose.

Q. I take it that in all your dealings with these men, they always paid cash?

A. I believe they always paid cash, yes.

Q. Both for their purchases and for their fees or for your fees?

A. Yes, sir.

Q. Did you have any discussion
with Mr. Dwyer about the fact that
you had the phone numbers from Mr. Dealey?

A. That is right.

Q. Would you have used them,
as you think

A. I don't recall specifically
using them at any time.

Q. And he not tell you the
Empire 4-6969 number was the Forman Club?

A. He may have. I don't recall.

Q. Did you have any discussion
with him about the Forman Club?

A. No, sir.

Q. And as to his interest in it?

A. No, sir.

Q. Do you remember calling the
Forman Club to try to speak to him?

A. I believe he must have left
those numbers if I ever had to get in touch
with him. I don't recall calling Mr. Dwyer
for anything.

Q. I take it that in all your
dealings with these men, they always paid cash?

A. I believe they always paid
cash, yes.

Q. Both for their registration and
for their room or for your food?

A. Yes, sir.

Q. In Exhibit 163, which is a list of the phone calls made, from among others -- or charged to your number - - among other calls, there is a call from this number of yours which you allowed Feeley to use to Cronin in Kingston at 7:05 p.m. on May 31st, 1960. That was a couple of days after Wright's arrest. Now, so we will eliminate some people, did you or any member of your firm call Cronin in Kingston?

A. No, sir.

Q. Do you know Cronin?

A. No, sir.

Q. Did you ever discuss him with Feeley or McDermott?

A. No, sir.

Q. Cronin was never a client of yours at any time?

A. No, sir.

Q. Did you state that Feeley came in 1960 and picked up a number of files from you?

A. I won't say 1960. I believe he and/or Mr. Ryan in previous years have picked up some of their files.

Q. And these particular files which I haven't had an opportunity of looking at yet, which have been filed here as exhibits, had anything been removed from those files?

had anything been removed from those files?

A. [illegible] which I haven't had an opportunity of looking at yet, [illegible]

Q. [illegible]

picked up some of their files.

[illegible]

Q. [illegible]

some in 1900 and picked up a number of files [illegible]

Q. Had you ever met Feeley

A. No, sir.

Q. Had you ever met Feeley

A. No, sir.

Q. Orozco was never a client of [illegible]

H. No, sir.

Discussion

Q. Had you ever discuss him with [illegible]

A. No, sir.

C. He [illegible]

Q. No, sir.

A. No, sir.

Q. In Exhibit 105, which is a list of the phone calls made, from which [illegible] -- [illegible] there is a call from this number of Jerma which you allowed Feeley to use to charge in Kingston at 7:05 p.m. on May 31st, 1900. What was a couple of days after [illegible]'s arrest.

[illegible] to me will eliminate some people, did you or any member of your firm call Orozco in [illegible]

A. Since when?

Q. Since -- well, let's put it since January, 1960?

A. No, sir.

Q. Mr. Feeley orMr. McDermott did not come in and ask -- or anyone on their behalf -- that certain documents be taken out of the files and be given to them?

A. No, sir.

Q. And you haven't destroyed any part of these files?

A. No, sir.

Q. Were these numbered A, B, C and D, or were they all - - -

THE COMMISSIONER: They are separate files.

MR. MacKINNON: I see. Fine. Have you got a record of the numbers? All right, 217.

Q. I just want to ask about this and may be you might be able to locate some of this material. It has the words "Y.Y. Feeley, re lease", and all there is is a sheet that looks like it is out of a stenographer's notebook with pen and ink writing on it.

THE COMMISSIONER: Mr. MacKinnon, I understood Mr. Wilson to say he would be examining as to these files later.

MR. MacKINNON: That is right, but

D/3

maybe if I can alert the witness, he might get his material that is obviously missing ffom the file so that we can examine on it.

Q. Where is the copy of the lease on this file?

A. At the moment, I don't know whether a lease was ever drawn up. Thank you. I believe this file doesn't even say - - -

Q. You opened and closed the file on it, so there must have been something done?

A. I am suggesting I took certain instructions from Mr. Feeley and then something happened that the instructions were not followed up. I must have got instructions not to go ahead with the lease.

Q. Would you mind looking through your material in your office and seeing whether there is anything more on this lease? It is an apartment at 1183 Lakeshore Road, Long Branch. Is that it?

A. That is what it says, yes. I believe Inspector Graham and Constable Moore took our closed cards as well as the files. I can look, but I don't think I have got any.

Q. Maybe with Inspector Graham's assistance, or looking at your cards, you might see whether there is other material on this

particular file?

A. All right, sir.

Q Possibly I should, while you are here, on this point see whether you confirm Constable Moore's notes on his interview with you on June 6th, 1960, in certain matters. He stated - - he has in his notebook that the property at the club was owned by Tkachuk, the father of one of your clients?

A. Tkachuk.

Q. T-k-a-c-h-u-k ?

A. That is right, sir.

(Page 7978 follows)

Q. How do you know that?

A. From my dealings with the son, Michael Tkachuk.

Q. You were not the one who made arrangements for the leasing of the property?

A. No, sir.

THE COMMISSIONER: Q. The real estate was owned by Tkachuk?

MR. MacKINNON: That is right.

THE COMMISSIONER: This witness said so in his statement.

MR. MacKINNON: Pardon?

THE COMMISSIONER: This witness said so in his statement.

MR. MacKINNON: I see. I just got this this morning, and I have not had a chance to look at it.

Q. Apparently you also told him that McDermott and Feeley and James Ryan were close associates in business dealings?

A. Yes.

Q. And that Ryan had told you about four months ago, which is four months prior to June 6th, 1960, that he was separating from McDermott and Feeley?

A. I believe that is correct, sir.

Q. And Ryan was in the bailiff business?

A. Yes.

Q. Do you know how he got into that business?

A. No, sir.

Q. Did you play any part in that?

A. No, sir.

Q. How long was he in the bailiff business, a number of years?

THE COMMISSIONER: When?

MR. MacKINNON: Well, 1960, when he was discussing it with Mr. Moore.

THE COMMISSIONER: Q. Was he in the bailiff business as a partner of McDermott and Feeley?

A. As far as I know, he became a bailiff - - - -

MR. MacKINNON: Q. That is what I want to find out.

A. . . . when he severed his connection with McDermott and Feeley.

Q. That would be sometime in 1960?

A. 1960 or 1959.

Q. And you said that four months ago Ryan told you, or intimated - no, told you, that he had separated from McDermott and Feeley. Did Ryan come into your office to tell you this?

A. When he came in, I think think he came in to drum up some bailiff business, to deliver writs and so on.

Q. And he told you he had severed, was severing his connection?

A. Yes.

Q. Did he say why he was breaking with McDermott and Feeley?

A. No, sir.

Q. Did you ask him?

A. No, sir.

Q. Well, Mr. Moore, what you told him:

" In days gone by, Ryan, Feeley and "McDermott controlled gambling and "betting in New Toronto."

Did you tell him that?

A. I do not recall.

Q. Could you have told him?

A. I may have.

Q. You had that much information, then?

A. I would say it was just hearsay knowledge. I would not have any first hand information. Just general reputation, you might say.

Q. And, that you told him that McDermott and Feeley were the power behind the Veterans' Club in Cooksville. You knew that?

A. Just,again, from hearsay information.

Q. Did Mr. Feeley not tell you that?

when he invited you there?

A. No, sir.

Q. You told him that you knew McDermott and Feeley were in business with Sol Gebirtig?

A. I believe Mr. Feeley mentioned his name in doing business in my office.

Q. Did he mention Louis Herman to you?

A. No, sir.

Q. Did you know that Louis Herman was acting for these people?

A. No, sir.

Q. Not until this Commission started?

A. That is right, sir.

Q. You played a part, did you play a part, or any part legally as a solicitor in the sale of the furniture from the Vets' Club after it was closed down by the bailiff?

A. No sir.

Q. You were not involved in that at all?

A. No, sir.

Q. Thank you.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: I have no questions, sir.

MR. WILSON: I have no further questions. That is all, thank you.

---The witness retired.

MR. WILSON: I call Mrs. Gallacher.

JANET GALLACHER, sworn:

THE WITNESS: May I sit down, please?

THE COMMISSIONER: Yes.

BY MR. WILSON:

Q. In June of 1960, you were a special representative of the Bell Telephone Company?

A. I was.

Q. And located at what branch? Which branch was that?

A. That was at the West Commercial Branch, 2150 Bloor Street West.

Q. And do you recall, on June the 3rd, 1960, that you had a call from a person who identified himself as Mr. Gogek?

A. I do.

Q. And what time of the day was it?

A. It was around 3:45.

Q. And what was the request made by this person?

A. Well, Mr. Gogek wondered if he could have three months back toll. I understand

that he had just had two months, and that he would like to have them out as he had had some difficulty with back accounts, some back accounts that he wanted to clear up. He wanted to clear them up.

Q. And that related to which number?

A. That related to the number Crescent 8-5829.

Q. And following that telephone call, did you have any further development with regard to the cards, or whatever you call them -- what is it you call them?

A. Toll tickets.

Q. The toll tickets in respect to that number?

A. Yes, I did. When I offered to mail them he said that he would send a student he would send a ~~s~~student lawyer to come and pick them up. I explained to him how to get to us, and that we would be closing at 4:45 and that he better come right away. He said he would send down a student lawyer George Anders, to pick them up.

Q. And did Mr. George Anders turn up?

A. Yes, he did, at 4:25.

Q. And how would you describe the George Anders that you saw?

A. Well, as far as I can remember, the man would be on, between five feet eleven and six feet, of a very stocky build, with a navy blue suit on, and he had quite a receding hair line, and his hair was silvery blond. I noticed one thing, I am not quite sure what, but it was something on the upper lip, whether it was a scar . . . .

Q. Or birth mark?

A Yes, or just a scar, something like that.

Q. And how old would you say this Mr. Anders was?

A. Forty.

Q. Old for a law student. What did Mr. Anders want when he spoke to you?

A. He came into the lobby and he called up. I went down and he wanted the tell tickets. In the meantime I was advised that he could not have them.

Q. And who advised you that he could not have them?

A. I believe it was Constable Moore.

Q. Do you want to refer to something?

A. No, I am just putting my gloves down.

Constable Moore spoke to my manager and

the manager advised me that they were not available for him.

Q. At that time was Constable Moore there in the building?

A. Yes, he was in the office.

Q. Was he in the building, to your knowledge, when this man who said he was Mr. Gogek called?

A. Yes.

Q. To your knowledge?

A. Yes,sir.

Q. So, when this man Anders turned up, and you spoke to your manager, and he instructed you to tell Anders that he could not have them?

A. He could not have them until Monday, he could come back on Monday.

Q. And what was the reason that you gave to Anders?

A. No reason, I just said they were not available.

Q. Until Monday?

A. Until Monday.

Q. And did you hear any further from Mr. Anders?

A. Yes, sir. About five minutes later, not quite five minutes later, he called again. There was a call from a man, and the man announced that he is Mr. Gogek. I went to

the phone and he said that it was Mr. Anders, and couldn't he possibly have half of the tickets to get started on his work, and he would get the remainder on Monday. I explained again, that they were not available.

Q. Good. Were you able to identify this man, this Mr. Anders, as being somebody else at that time, or later?

A. Yes, at that time, I did, sir. When he was leaving the building a few of the girls, including myself, were watching him through the window, through the front window, and Constable Moore identified him as a George Reid.

Q. As a George Reid?

A. That is right.

Q. And I suppose the reason for the girls standing and looking out of the window was that you knew that the police were in your building looking up the tell tickets for this particular number, amongst others?

A. Yes, that is right.

Q. I think that is all we want from this witness. Is that the last you heard of Mr. Anders?

A. Yes.

Q. Alias Reid, or Reid alias Anders?

A. Yes.

Q. Thank you.

BY MR. MacKINNON:

Q. When he came in, and by him, I mean Mr. - - the so-called Mr. Anders, the law student - was he very insistent about getting these toll tickets?

A. I would say yes.

Q And pounding on the railing and saying that he wanted them?

A. Yes, he was.

Q. And you told Mr. Wilson that you did not tell him why he couldn't have them, just that they were not available?

A. Yes, sir, just that they were not available.

Q. Did you say, did I understand you to say that he went away and within about five minutes you had a phone call from someone?

A. Yes, there is a pay telephone outside of the building.

Q. When he was going out to this pay telephone, was it, or when he was going out of the building, you say you watched him, is that it?

A. Yes.

Q. He did not come into the building again?

A. Well, I would say he used the telephone from outside, we saw him leaving from there.

Q. And did he talk to your manager?

A. Mr. Andere?

Q. Yes.

A. Not to my knowledge.

Q. Or phone him - you do not know?

A. I do not know. I do not know.

Q. Did you make any phone calls, yourself, did you call Mr. Gogek?

A. I do not remember phoning Mr. Gogek at all.

Q. Did you notice a car that this George Andere used?

A Yes, I did.

Q. And was his license number written down by Mr. Moore?

A. I believe it was. They were observing him at the time.

Q. And was there another police officer there?

A. Yes, I believe it was his superior.

Q. Is that Sergeant Anderson, do you know that name?

A. Yes, I do.

Q. And was he the other officer

Q. Are you married?

A. Yes, I am.

Q. Do you have children?

A. Yes, I have two children.

Q. How old are they?

A. My son is 12 and my daughter is 9.

Q. Do you live in a house or an apartment?

A. We live in a house.

Q. How many bedrooms does your house have?

A. Three bedrooms and two bathrooms.

Q. Do you have a garage?

A. Yes, we have a two-car garage.

Q. Do you have a garden?

A. Yes, we have a small garden where we grow vegetables and flowers.

Q. What is your favorite hobby?

A. My favorite hobby is reading books.

Q. Do you like to watch movies?

A. Yes, I like to watch movies in the theater and at home.

Q. What is your favorite movie genre?

A. My favorite movie genre is comedy.

Q. Do you like to play sports?

A. Yes, I like to play soccer and basketball.

Q. Do you like to eat out at restaurants?

A. Yes, I like to eat out at restaurants with my family and friends.

Q. What is your favorite type of food?

A. My favorite type of food is Italian food, especially pasta and pizza.

Q. Do you like to travel?

A. Yes, I like to travel to different countries and experience different cultures.

Q. What is your favorite country to visit?

A. My favorite country to visit is Japan because I love the food, the culture, and the people.

Q. Do you like to learn new languages?

A. Yes, I am currently learning Spanish and I would like to learn more languages in the future.

Q. What is your favorite subject in school?

A. My favorite subject in school is math because I enjoy solving problems and working with numbers.

Q. Do you like to read books?

A. Yes, I like to read books in my free time, especially mystery novels and biographies.

Q. What is your favorite book?

A. My favorite book is "To Kill a Mockingbird" by Harper Lee because it is a powerful story about racism and injustice in the American South.

Q. Do you like to watch TV?

A. I do not watch much TV, but I do like to watch documentaries and news programs.

Q. What is your favorite TV show?

A. My favorite TV show is "Breaking Bad" because it is a thrilling and suspenseful story about a high school chemistry teacher who becomes a drug lord.

Q. Do you like to go shopping?

A. Yes, I like to go shopping for clothes and shoes.

Q. What is your favorite store to shop at?

A. My favorite store to shop at is Nordstrom because they have a wide selection of high-quality clothing and shoes.

Q. Do you like to cook?

A. Yes, I like to cook and I enjoy trying new recipes.

Q. What is your favorite dish to cook?

A. My favorite dish to cook is spaghetti and meatballs because it is easy to make and my family loves it

there?

A. I do not believe he was.

Q. You do not remember?

A I don't.

THE COMMISSIONER: Mr. Rose?

BY MR. ROSE:

Q What type of car was it, do you recall, that Mr. Reid used?

A. It was a cream coloured car, cream and gold and it had large fins down the back. From my knowledge of cars, I would say it was a 1957 Chrysler model.

Q. A cream coloured car?

A. And gold.

Q. Thank you.

---THE WITNESS RETIRED.

MR. WILSON: I will call Mr. Ricci.

MICHAEL RICCI, sworn:

BY MR. WILSON:

Q. Mr. Ricci, you reside in St. Catharines?

A. In Niagara Falls.

Q. In Niagara Falls, andyou are connected with the Mid Town Bowling alley?

A. Yes, I am, sir.

Q. And where is that located?

A. That is at 1685 Ferry Street, Niagara Falls.

Q. And that is a limited company and you are one of the chief shareholders?

A. I am the principal shareholder.

Q. And how long have you been operating that alley?

A. It is three years this October.

Q. Mr. Ricci, we have had as a witness here a Mr. Samuel Balsom. Do you know him?

A. Yes.

Q. It is Sam, I am corrected, that is his first name, that is his nickname, and Sebastian is his right name. Do you know him as Sam?

A. As Sam.

Q. In his evidence here he said,

at page 7031, line 17:

"Q. And during the last five
"years did I understand you to say
"you taught bowling?
"A. The last two years.
"Q. The last two years?
"A. Yes.
"Q. Where did you teach bowling?
"A. MidTown Bowling alley in
"Niagara Falls, and I have bowled for,
"you know, for money, that is."

Well, first of all, has Mr. Balsom, did Mr. Balsom teach bowling at your bowling alley in the last two years?

A. Not to my knowledge, sir.

R/3 Q. Do you have professional teachers?

A. My manager, my manager and my assistant manager are both very excellent bowlers. They assist if anyone desires to be taught.

Q. And you charge for that?

A. No, sir, we do not charge for that.

Q. You do not charge for that. You have nobody working for you who charges for teaching bowlers?

A. That is right, sir.

Q. And I take it that at no time within the last two years, or at any time, did you

as page 7027, line 17:

"A. And seeing the last five
"years and I understand you to say
"just recent meeting.
"Q. The last few years
"A. The last two years
"Q. Yes.
"A. Have you been invited
"Q. Mention invited study to
"[illegible] but I have heard that
[illegible] but, Mr. Attorney, that is?
Mr. Palmer: Judge, I object to Dr. Malone's
in the last two years?
A. [illegible] Yes it is [illegible] the
A. Is you have personal experience
Q. Of course, do meetings
[illegible] that relate [illegible]
[illegible]
Q. And you change [illegible]
A. No, sir, no do not change
[illegible]
A. Yes to not change [illegible]
You have already wanted that you are changed [illegible]
meaning [illegible]
A Just in right, sir.
Q. And I have it that it not time
within the last two years, at any time, can [illegible]

ever employ Sam Balsom as a teacher in your alley?

A. I certainly did not, sir.

Q. Did Balsom frequent your alley?

A. I beg your pardon?

Q. Was he a person who made use of your alley, did he used to come there?

A. For the last three and a half months he was there daily.

THE COMMISSIONER: Q. Did you say daily?

A. Yes.

MR. WILSON: Q. Before that time did he play in your alley at all?

A. Possibly three or four times, to my knowledge.

Q. And do they play in your alley for money?

A. They have what you call, they call it a jackpot, jackpot bowling, yes.

Q. Jackpot bowling?

A. Jackpot bowling.

Q. And what money is involved in jackpot bowling?

A. Oh, well, maybe a dollar. It would be a dollar.

Q. And going up to what?

A. Speaking from my knowledge two dollars, two dollars is the highest I have ever seen.

That is two dollars per man there.

Q. And do you have any tourneys or whatever you call the, where there is a cash prize?

A. No, we do not have them there, sir.

Q. And what gave rise to Balsom's sudden appearance daily at your place for three and a half months?

A. I would not know why, sir.

Q. You would not know why. I take it, after you heard of his evidence here, you took exception to his statement?

A. I certainly did, sir.

Q. And for what reason?

A. Well, for the simple reason he has only been coming to my alley for this year, and he was not being paid by me.

Q. And you wanted to make that known?

A. I certainly did, sir.

THE COMMISSIONER: Q. He has not a very savory reputation over there, has he? What do you know about it?

A. I have known Sam all my life. I do not know his background, as far as gambling, sir.

Q. I am speaking about his reputation?

A. I do not know about his reputation, sir.

MR. WILSON: Q. And is he still going to your bowling alley?

A. He has not been there, apparently, since the middle of May.

Q. Since the middle of May. Was that by reason of any action on your part, or on the part of your officials there at the alley?

A. Well, the bowling terminates in May, pretty well.

Q. I see. You had an interest, I understand, in a motel in Niagara Falls?

A. I still do, sir.

Q. And what is the name of that motel?

A. Oaks Drive Motel Limited.

THE COMMISSIONER: Q. Just a moment.

MR. WILSON: Oaks Drive Motel, and I understand the location is at 2546 Buchannan Avenue?

A. Yes.

Q. And how long have you owned and operated that motel?

A. Fourteen years.

Q. And at any time were you approached by anyone to rent those premises?

A. No, sir.

Q. What about Iannuzzelli, did he approach you?

A. Not for Oaks Drive, no.

Q. What for?

A. 880 Victoria Avenue.

Q. And what kind of building do you own there? Do you own a building there?

A I built that building, yes.

Q. You built that building, and what kind of building is it?

A. Well, a commercial building.

Q. And when did you build it?

A. When did I build it, in 1956.

Q. In 1956. Was it that building that you had an approach from Louis Iannuzzelli, or was it Albert?

A. Yes.

Q. When did he approach you to rent that building?

A. Well, the building was sold three years ago, so it is between three and four years ago.

Q. Prior to 1959?

A. As close as I can recall, sir.

Q And he wanted to rent the whole building?

A. No, I had one office vacant at the time.

Q. And where was that located?

A. Upstairs there.

Q. In the upstairs part of the building?

A. Yes, sir.

Q. And did he make it clear what the purpose of renting was?

A. He said he wanted to rent the office, and it was supposed to be, I think it was for the Ramsay Club.

Q. And did he offer you a fair rent?

A. His rent was fair, the same as everybody else.

Q. And how did it compare with whatever you were renting for at that time, how did it compare with the going rates at that time?

A. It was just the same as anyone paid in the building.

Q. Just the same as anyone paid in the building. And it was to be used for the purposes of the Ramsay Club?

A. He just said for the Ramsay Club.

Q. And where was the Ramsay Club operating at that particular time?

A. I do not know.

THE COMMISSIONER: Q. And how big a space was it?

A. I would say it would be 50 feet long by 15 feet wide.

Q. 50 by 15?

A. 50 by 15.

MR. WILSON: Q. 50 by 50?

A. 50 by 15.

THE COMMISSIONER: Q. 50 by 15, that is an unusual shape?

A. Yes, it is. There is a centre hall running down the length of the lot.

MR. WILSON: Q. And has that a separate entrance and stairway?

A. According to the fire marshal you have to have a rear exit.

Q. And could you get to this particular area by a separate entrance?

A. No, sir, just off the hall.

Q. Just off the hall. What was the rent that he offered you?

A. I think it was around one hundred and fifty dollars a month.

Q. $150. a month.

THE COMMISSIONER: Q. Have you since rented it?

MR. WILSON: He has sold it.

THE WITNESS: I rented it to a dance studio after that.

THE COMMISSIONER: Q. And what rent did you get?

A. I believe $125, sir. I am not sure, I think a hundred and twenty-five. It was vacant for quite some time.

MR. WILSON: Q. I understand that later Myer Delduca rented a building, or certain premises for the use of the Ramsay Club?

A. Yes.

Q. After you refused to do so?

A. Yes.

Q. And why did you refuse?

A. For the reason that I am raising a family and I did not want to get involved in types of things like that.

Q. And did you warn Delduca what he was getting into?

A. I thought he was making a big mistake, and I told him so.

Q. And his place was located . . .

THE COMMISSIONER: What is that man's name?

MR. WILSON: Delduca.

THE COMMISSIONER: Spell it.

MR. WILSON: D-e-l-d-u-c-a.

THE COMMISSIONER: Myer, is that M-y-e-r?

MR. WILSON: Myer, M-y-e-r-.

Q. And where was Myer Delduca's place located?

A. That was on Stanley Street.

Q. And you do not know what the number was?

A. It was on the west side of Stanley. I do not know the number.

Q. I do not think there is anything else. That is all. It is one o'clock, Mr. Commissioner.

THE COMMISSIONER: Yes, we will adjourn until 2:20 p.m.

-----whereupon the hearing adjourned.

(Page 7998 follows)

Take AA
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--- On resuming at 2.47 o'clock P.M.

M. RICCI, Resumes the Stand

THE COMMISSIONER: Do you want to ask Ricci any questions?

MR. MacKINNON: Yes, I do, sir.

THE COMMISSIONER: Mr. Ricci?

Q. You are still under oath.

EXAMINATION BY MR. MacKINNON:

Q. Mr. Ricci, as I understand your evidence, so far as you are concerned, Nelson never worked in Midtown Bowling?

A. That is right, sir.

Q. Have you ever heard of him in your bowling alleys giving lessons for money?

A. No, sir.

Q. And, surely, that would have been brought to your attention, would it not, if that had happened?

A. That is right, sir.

Q. And your evidence was that you had a man -- quite capable of giving lessons for nothing, if lessons were wanted?

A. That is right, sir.

Q. Would that be known to the

— to remind me Self-explan P.M.

general public if they went in there?

A. Yes, sir.

Q. That they could get free lessons?

A. Yes, sir.

Q. Did you ever ask Balsom why he was hanging around your place about three months ago?

A. No, I didn't, sir.

Q. Did you suggest he could make his headquarters somewhere else, that he should move on?

A. No, I didn't.

Q. Would he be bowling from time to time?

A. He bowled every day.

Q. He did?

A. Yes.

Q. Now, you mentioned that Albert Iannuzzelli approached you about renting -- you described it, in the first place, as an office, for the Ramsey Club?

A. It was an office building.

Q. An office building?

A. That is right.

Q. But there was no doubt in your mind about what Iannuzzelli wanted it for?

A. No.

Q. He told you?

A. No.

Q. How did you know?

A. He said it was for the Ramsay Club.

Q. Would you tell us when this was?

A. It was between three and four years ago; I am not quite sure.

Q. I see. How did you know what the purpose of the Ramsay Club was?

A. Small town, sir; everybody knows what is going on.

Q. You knew it was a gaming establishment?

A. That is right.

Q. Why did he want to move from where he was, did he tell you that?

A. No, he didn't, sir.

Q. I take it you must have told him, "I don't want to have anything to do with a gaming establishment"?

A. I told him I wasn't interested in renting it for that purpose.

Q. So you discussed the purpose?

A. No, we didn't discuss the purpose. I knew what the purpose was for when he wanted to rent it.

Q. Did you tell him you knew?

A. I just told him I wasn't renting it for that purpose.

Q. He found out you were not interested?

A. That is right.

Q. And you found out he was negotiating with Myer Belduca -- Is that the name?

A. Yes.

Q. And you went to him and advised him not to have anything to do with this?

A. That is right, sir.

Q. Is this man Belduca a friend of yours?

A. Yes, a very personal friend.

Q. What did you say to him?

A. I told him he was a very foolish man because he was raising a family, like I am and he shouldn't have anything to do with it.

Q. What was the reason?

A. Being associated with that.

Q. You told him what this Club was?

A. He knew it.

Q. He knew it?

A. I say.

Q. And you told him you had been approached first?

A. That is right, sir.

Q. And you had refused to have anything to do with it?

A. That is right.

Q. Did you know that this Myer

Delduca became a director of the Club, or was a director of the Club?

A. That I didn't know.

Q. Did Delduca tell you he was a Director of the Club?

A. Never, sir.

Q. Did you know, apart from Iannuzelli, anyone else who was behind this Club?

A. No, I didn't, sir.

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Q. Even in this small town, all you knew, it was a gaming establishment, but the small town talk did not tell you who was behind it?

A. No.

Q. But, obviously, Mr. Iannuzelli must have had something to do with it?

A. Yes.

Q. But you had no discussion with him as to his interest in the Club?

A. No, sir.

Q. During any of these conversations was there ever any indication, whatever form it came, as to why they wanted your premises?

A. No, sir.

Q. Nor as to why they were moving, if they were in business -- Weren't they obviously?

A. I don't know; I suppose.

Q. You did not ask that question?

A. No.

Q. Why they wanted your place and why they were not satisfied with where they were?

A. No, sir.

THE COMMISSIONER: Q. Where was their place?

A. I heard they were up the river. That is all I know.

MR. MacKINNON: Q. Did he indicate to you that he wanted your place for the Club or for the office for the Club?

A. For the Ramsay Club.

Q. Was that to be where the Club itself was?

A. That is all that was said, sir.

Q. It is not a particularly large room he was seeking to rent, it was 50 feet by 15, I think you said?

A. Approximately. I don't know the right dimensions but it was in that neighbourhood.

Q. Was that broken up into offices or was it one whole space?

A. No, one whole space.

Q. I see. That is all, thank you.

MR. ROSE: No questions, thank you.

THE COMMISSIONER: Q. That is all.

--- The witness withdraws.

MR. WILSON: Call Mr. Cronin.

MR. MacKINNON: Mr. Brewin did ask that he be advised when this witness was called. We were under the impression two other witnesses were to be called.

MR. WILSON: We may postpone the cross-examination to help Mr. Brewin.

MR. MacKINNON: I will call Mr.Brewin because he is at home and he wants to be here for this witness. He expects me to call him.

THE COMMISSIONER: All right, have somebody call him.

JOHN FRANCIS CRONIN, Sworn

EXAMINATION BY MR. WILSON:

Q. You reside where?

A. 1908 Kenneth Drive in Port Credit.

THE COMMISSIONER: Q. Where?

A. Kenneth Drive in Port Credit.

MR. WILSON: Q. You joined the Ontario Provincial Police in 1941?

A. That is right, sir, in the last week of December.

Q. You served for a while in Northern Ontario?

A. That is correct, sir.

Q. On September the 1st, 1943, you transferred to the Anti-Gambling Branch?

A. That is right, sir.

Q. And on April the 1st, 1954, you were transferred to the Unsatisfied Judgment Fund Branch of the O.P.P.?

A. Right.

THE COMMISSIONER: Do not go too quickly.

Q. When were you transferred to the Unsatisfied Judgment Fund?

A. On April the 1st, 1954.

MR. WILSON: Q. You resigned from the Force on July 17, 1954?

A. That is correct, sir.

Q. Now, at the time of your transfer to the Unsatisfied Fund Branch were you called in by the then Commissioner McNeil?

A. I was, sir.

Q. And what did he tell you was the reason for your transfer out of the Anti-Gambling Branch?

A. He stated there had been a change of policy; I had been transferred to the Unsatisfied Judgment.

Q. Did he give any reason?

A. Reason for change of policy?

Q. Yes, reason for your transfer.

A. No, he did not give any reason.

He stated there had been a change of policy, that someone with more experience was coming in and replacing the officers who were transferred.

Q. Did he not say something about there being a lack of public policy?

A. A lack of public policy?

Q. A lack of public confidence so far as that branch was concerned?

A. That could be so. I don't recall, but that could be so. I wouldn't say he didn't say that.

Q. And did you on at least two occasions after that time go into see him and ask him what was wrong so far as you were concerned?

A. I would say two occasions. That is right, sir.

Q. And why did you, then, resign a few months later?

A. Why did I resign a few months later?

THE COMMISSIONER: Q. Do not repeat the question. Answer.

A. I resigned to go into business for myself, sir.

MR. WILSON: Q. You resigned to go into business?

A. That is correct, sir.

Q. Now, --

THE COMMISSIONER: Q. What business?

A. The motel business.

Q. Where?

A. Kingston, Ontario.

MR. WILSON: Q. Now, at the date of your resignation had you saved any moneys as a result of your service on the Force?

A. Yes, sir.

Q. How much had you saved?

A. As a result of my service on the Force?

Q. Well --

A. Up to that time?

Q. Up to that time.

A. $50,000, I would say, roughly.

Q. When you joined the Force in December, 1941, did you have any assets?

A. Yes, I would, sir. Approximately $20,000.

Q. Approximately $20,000?

A. Maybe twenty-one.

Q. What was the origin of that amount of money?

A. The origin? My means of earning it?

Q. Yes, of the twenty thousand.

THE COMMISSIONER: Q. Where did it come from?

A. From my savings, working and savings.

MR. WILSON: Q. Working at what?

A. I worked for the Department of Highways; I worked for Goodyear and I did many things in order to make money, since I was 17 years of age.

THE COMMISSIONER: Q. How old are you now?

A. I am fifty-one.

I would like to explain a little more about the two occasions you referred to me talking to the Commissioner. Now, at the time I was transferred from the Gambling Branch, Sergeant Von Zuben was transferred at the same time. As I recall, he was called over ahead of me and, then, I was called over and the Commissioner assured me there was nothing to do with any wrong doings. I think he used the word "slow". I do recall him saying --

Q. He used the word what?

A. "Slow", that there has been a change of policy and somebody in the Attorney General's Department feels we are too slow. And I was transferred to the Unsatisfied Judgment Department.

Now, a few days later the paper came out -- a newspaper came out and it referred to some wrongdoing on theGambling Branch, or words to that effect. I phoned the Commissioner and got an appointment with him and Norm Phelps was there at the time. I asked Commissioner

McNeil what -- about the reports. He said as far as I was concerned -- or, as far as he was concerned, I should say, that he knew nothing ofthe reports and that there was no suspicion on his part. As far as he knew it was simply a change of policy with the Department.

I do recall telling him that I didn't like the transfer, that I would have liked to have remained with the Gambling Branch, and he said -- he indicated to me he got his instructions from higher up and that, he also told me, it wouldn't hurt my chances of being returned to the Gambling Branch, and possibly sooner than I thought, to be returned

AA3 to the Gambling Branch.

Then, I would say roughly two weeks later, I asked for another appointment with the Commissioner and I told him that I was going to resign and that I was going to go into business for myself. I had quite a lengthy discussion with him. I told him I wasn't satisfied with my work -- with the duties at the Unsatisfied Judgment, and I recall him telling me that I should not consider it a demotion in any way. He told me, "You are taking the place of Inspector Harold Graham of the C.I.B.". He said, "He has been doing that work for some years and you can consider it a promotion." And

I said, "Well, I didn't feel that way about it and the fact that there has been some discussion in the paper about the manner in which I was transferred and about another matter involving another Constable", a Constable Armstrong, "that I found there was some suggestion I had done something wrong". If there was any suggestion of that nature now was the time to hit me with it because, "I am going into a business, I am spending $25,000 in a business", and he asked me what kind of business and I told him and he said "You have thirteen years on the Police Force and there is always a chance in a business and your chances of promotion aren't hurt here and I would suggest you remain on and get used to the Unsatisfied Judgment Fund"; and that is the gist of the conversation I had with him. And I told him I was definitely interested in going into business for myself and I felt I would resign.

(Page 8012 follows)

MR. WILSON: Q. In 1941 when you joined the force you say you had $20,000?

A. That is right.

Q. How did you have that money invested at that time?

A. I didn't have it invested. I would have some, I would certainly have some in registered bonds but I don't know how much.

Q. What kind of bonds?

A. Registered bonds.

Q. Government bonds?

A. Yes.

Q. Registered in your own name?

A. Yes.

Q. Did you have a bank account at that time?

A. If I did it would be a very small one.

Q. Where would it be located?

A. In 1941, yes.

Q. 1941. How old were you in 1941?

A. Well, I would be 31.

Q. 31. Was the bank account in the Bank of Nova Scotia at Pape and Danforth?

A. Oh, no, that would be later on. 1941.

Q. That would be much later?

A. Oh, yes.

Q. Where did you bank in 1941?

A. I really don't know where it

would be.

THE COMMISSIONER: Q. Where were you living at that time?

A. I wasn't married.

Q. Where were you living?

A. I was living all over, all over the province. All over the province. And right out into western Canada.

MR. WILSON: Q. You have no recollection of where you might have done your banking?

A. If you are referring to 1941 --

Q. That is exactly what I am referring to.

A. I may have had one in New Toronto, but if I did I don't know what side of the street it was on.

Q. Was the whole of the twenty thousand invested in bonds?

A. No, sir.

Q. What else did you have it invested in?

A. I don't know.

THE COMMISSIONER: Q. In what else did you have it invested?

A. I remember I had a thousand dollar bond. I think there were other bonds, and they were certainly registered bonds, and at that time possibly $2,000.

Q. How much?

A. Possibly $2,000.

Q. All right. Just a moment.

A. But I wouldn't be definite about that.

MR. WILSON: Q. What was the rest of it in?

A. Cash. That is right, sir.

Q. Where did you keep all this cash?

A. I kept it buried at the farm.

Q. Buried at the farm?

A. Yes, sir.

THE COMMISSIONER: Q. Buried?

A. Yes, sir.

Q. Underground?

A. Yes, sir.

Q. $18,000.?

A. Yes. More than that, sir.

Q. Well, how much more than that?

A. I would say maybe $30,000., thirty-five thousand.

Q. Altogether?

A. Yes, sir.

MR. WILSON: It is up to thirty-five thousand now.

THE COMMISSIONER: No, he had $30,000. buried in the ground.

Q. Is that what you said?

A. Thirty-five. I understood you to ask me how much I had buried in the ground.

MR. WILSON: Q. We are talking about 1941.

A. No, no.

Q. Let us stick to one period. You had $18,000. buried underground in 1941 on the farm?

THE COMMISSIONER: Q. Is that what you say?

A. Yes.

MR. WILSON: Q. Where was the farm located?

A. Peel County.

Q. Was it your farm?

A. No, my father's farm.

Q. What was the address there?

A. R. R. 1 or R. R. 3, Albion.

THE COMMISSIONER: Q. What lot was it on?

A. Fourth line of Albion.

Q. Albion Township?

A. That is right, sir; Peel County.

Q. Was your father living on the farm?

A. Yes.

Q. So, if we looked up the assessment in 1941 we would find where your father lived?

A. Yes, until the last year.

Q. If we looked in 1941 we could locate the farm?

A. Yes.

Q. We could not locate the $18,000.?

A. No, sir; but if we went there I am sure there would be lots of paraffin wax.

MR. WILSON: Q. Whereabouts?

A. Underneath the garage.

Q. What type of structure was the garage?

A. Frame.

Q. Was it underneath the floor?

A. No floor, wooden floor; earth floor.

Q. Which is it, wood or earth floor?

A. No floor, just earth.

Q. What corner of the garage did you have it buried in?

A. It would be in the southwest corner, in the back driving part of the garage. There was a grage, a driving shed and a tractor shed and it would be in the tractor portion.

THE COMMISSIONER: Q. That makes up your $20,000.; eighteen buried, $2,000. in bonds; and a little bank account, you said?

A. I don't recall it but I would assume it would be safe to say that.

Q. You had to pay your debts, you issued cheques?

A. No, not necessarily, but I would assume I did have a small savings account.

Q. Why didn't you put the $18,000. in the bank account?

A. Well, I never -- I never -- Actually, I was afraid.

Q. Pardon?

A. I was afraid to put money in the bank.

Q. You were not afraid to leave some of it in the bank?

A. Well, I mean, I don't think I ever had $500. in the bank in my life.

Q. At any time?

A. Except when I got the inheritance from my father. At that time I cashed the cheque and deposited it in the bank.

Q. How much was it?

A. A thousand dollars, and that is just in the last few months, since January.

Q. Of this year?

A. That is right.

Q. You were not afraid to put that in the bank?

A. No, sir.

Q. Have you got confidence in the bank in the last many years?

A. Yes, I have, sir.

MR. WILSON: Q. Now, what was the container in which you --

A. I don't recall. It would be glass containers. It would certainly be jars with a rubber and a top on it.

Q. In what denominations were the bills you secreted there?

A. I would think there would be every denomination there is except large denominations,

like five hundred and one thousand, there wouldn't be those; but, there would be hundreds, fifties, twenties, tens, fives.

Q. Did you ever impart to others the secret of your habit of dealing with your money? Who would know about the money being buried there in the garage? Did you ever tell anybody about it?

A. No, I don't think so.

THE COMMISSIONER: Q. Are you sure of that?

A. I mean, I certainly have told my partner.

Q. Who is your partner?

A. Mr. Zawchuk.

Q. That is the partner you have in the motel?

A. Yes.

Q. At the time you were keeping this money in the jars?

A. No.

Q. You were keeping that a dark secret?

A. Absolutely, sir.

Q. Nobody knew anything about it except yourself?

A. That is right, sir.

Q. Not even your father?

A. No, he did not, sir.

MR. WILSON: Q. When did you first bury it there?

A. Well, from -- I would say from 1927 on. '28 on. From '28 or '29 on. Possibly '29 would be the first year I buried money there.

Q. And how often would you visit the hiding place and deposit further money in these glass jars from 1929 on?

A. I couldn't give you any definite time but quite frequently I would add more money to it.

Q. And before we leave the farm I see by reference to your father's probate that his name was John Richard Cronin?

A. Yes.

Q. And the address is Rural No. 3, Caledon East?

A. It is possibly Caledon East. At that time it was Albion. Now it is Caledon East.

Q. During what period were you in western Canada?

A. Well, I certainly was in western Canada, I would think, possible '32, '33, right up to '37 and maybe '38 I would think.

Q. From '32 through to '37, whatever the correct period is, did you leave the money on the farm?

A. And added more to it.

Q. You would come back from the west?

A. Right, sir.

Q. Periodically and add more to it?

A. I went to the west periodically.

Q. You would just go out periodically?

A. That is right.

Q. What did you do out west?

A. Harvest, sir.

Q. Just harvest?

A. That is right, sir.

Q. You did not have a full-time job in Toronto from 1932 to 1937?

A. I had more than a full-time; I worked at home on the farm and, in addition, I had a steady job, not all the time but the majority of the time I had a steady job.

Q. Let us understand it: You worked on the farm. Whose farm?

A. My dad's farm.

Q. How much did he pay you?

A. He didn't pay me anything.

Q. Part of each year from 1932 to 1937 you would go out harvesting?

A. That is right, sir.

Q. How long would that last in a year?

A. Possibly four months.

Q. How much would you earn on that job or operation?

A. Well, I could tell you that I would -- I have come back with $900. I have came back with that kind of money.

Q. You have come back with $900.?

A. Yes.

Q. And the rest of the time when you were not working on the farm for your father you did not earn anything?

A. That is not right. I did work on the farm but I got my board and living there. I worked on the Department of Highways; I worked at many jobs.

Q. Where else would you work part time?

A. I course, I always was, more or less, in business for myself. I bought scrap metal and different kinds of metals and sold it in Toronto. And I believe I am the only one who set up a stand beside the Maple Leaf Gardens, now where the Hydro building is, and sold maple syrup there when there were hockey games.

Q. Was the maple syrup off your farm?

A. No, I would buy it, make my own and if I didn't have enough for a load I bought it for a dollar a gallon and sold it for $3.65 right beside the Maple Leave Gardens during the depression.

Q. Where did you get that?

A. Parry Sound district.

Q. Whose farm was that?

A. My dad. He had several farms.

Q. How much would you say you were averaging a year in the years we have been talking about, in 1932 to 1937?

A. Well, I would say there were years I made $500.; I would say there were years I made

$1500.

THE COMMISSIONER: Q. What years are those?

A. Specifically, you mean?

Q. No.

MR. WILSON: Q. 1932 to 1937?

A. No, no; between 1929 and 1941.

Q. Between 1929 and 1941.

THE COMMISSIONER: Q. How much did you average?

A. I know there were -- I think the lowest I have was $500. and I am afraid I have several $1500.

Q. And put it in the glass jars in the ground?

A. That is right, sir.

MR. WILSON: Q. Did you pay any income tax during that period?

A. I don't recall that I did. I honestly don't recall that I did.

Q. Did you make a return?

A. I don't recall making a return.

Q. Well, did you ever earn enough to make a return?

A. That I don't know but if I was supposed to make a return I made a return.

Q. You do not recall having made one?

A. I wouldn't say I did or didn't. I know as long as I knew there was income tax returns to be made I certainly made income tax

returns.

Q. During that period of 1929 to 1941 did you have a car?

A. I bought a car -- I think I bought two cars if I remember rightly. I bought one. I bought it for $30. on Danforth Avenue, drove it to western Canada, took another chap out with me and I sold it to two brothers, and if I remember I sold it for $300. or $150., I am not sure which.

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Q. Yes, and when did you get your next one?

A. Well, when I went up to make syrup one time at Parry Sound I certainly bought another car. And it was an old car and I really don't know what I paid for it. I think maybe ---

THE COMMISSIONER: Roughly?

A. I would think less than $50, sir, because I remember going along telling people I had $25 to spend on a car and they said if I would go to fifty they would show me something worth looking at.

Q. Between '39 and '40 you bought two cars? --

A. I think I bought three.

Q. Well, two anyway. One cost you $30 and one $50?

A. That is right.

Q. Roughly.

MR. WILSON: Q. When you joined the Force did you have a car?

A. I don't know. I really don't know. I think I did. I think I had a Pontiac. And I think I sold it in Caledon. That would be the last week -- actually, I joined the Force in the last week and reported after the New Year's, it was 1942 I reported. I think in '42 I sold my car, just an old car.

Q. How far did you go in school?

A. Eighth Grade.

Q. In Eighth Grade. Why did you join the Force?

A. Why did I join the Force? Well, I don't know what would be a sincere answer to that, sir. Why did I join the Force?

THE COMMISSIONER: Well?

A. I mean, it was for a livelihood. I don't know there would be any other reason for it.

Q. You joined the Force in order to make a livelihood?

A. Yes.

MR. WILSON: Q. And how long after you joined the Force did you change your habits about burying your money in the ground?

A. How long after? No, I might have -- it must be a good many years after.

Q. After you joined the Force you still continued to bury your money?

A. That is right, sir.

Q. And did you continue to add to it?

A. Yes, I did, sir.

Q. And about how much did you add to it from '41 on until the time youleft the Force?

A. I would say about thirty thousand.

Q. Another thirty thousand?

A. Roughly, sir, maybe more, maybe thirty-five thousand.

Q. Maybe thirty-five thousand. And for that period you were up in Northern Ontario, I think until you joined the Anti-Gambling Branch ---

A. In Fort Arthur, sir.

Q. In '43?

A. Yes.

Q. You were two years up north?

A. No, that is not right, Mr. Wilson.

Q. From December '42 until September '43?

A. No, I would say I was only there four months, it could be five months.

Q. This money you have added to your hidden treasure amounted to another thirty-thousand.

A. Maybe thirty-five.

Q. Maybe thirty-five. That all came out of your savings and pay as an officer?

A. No.

Q. Where did it come from?

A My wife was working. She was still working. She only quit working the year she went overseas in 1943. If I recall rightly.

Q. When did you get married?

A. '43, 1943.

Q. And did she contribute that moneys to this savings?

A. We lived on her money.

THE COMMISSIONER: You?

A. We lived on my wife's earnings.

Q. From when until when?

A. Well, until she quit work in 1953.

MR. WILSON: Q. Then do I understand you had a bank account after you joined the Force as well as burying some of your money?

A. I have always had a bank account.

Q. Where was the bank account?

A. I have them all over. You mentioned one at Pape and Danforth. Certainly I had one there. I had one in the Ontario Savings Office in the Parliament Buildings.

THE COMMISSIONER: All at the same time?

A. Gosh, I couldn't say. I couldn't tell you, Mr. Roach, I have no idea.

Q. Just a moment. How many bank accounts would you have at the same time?

A. I believe possibly not more than one. But certainly I have had ten or twelve ---

MR. WILSON: Q. Ten or twelve?

A. Ten or twelve, I would say.

THE COMMISSIONER: Did you have any more than one bank account at any one time?

A. I have a savings for my boy; I certainly know that. And I would have a joint bank account with my wife.

Q. Just a moment, now. "Savings account for my boy." And a joint bank account with your wife. Yes?

A. And I think we have -- at the time these were in force at all times -- I mean at least one savings account besides my son's.

Q. Then, you had the two?

A. At least two, sir.

Q. And where were they?

A. Well, I lived at 533 Page Avenue --, no, no. I lived at 371 Wellesley Street, so I would assume it would be between there and the Parliament Buildings somewhere. I couldn't tell you where. And I think it would be possibly Parliament and -- Parliament and Gerrard, I think. Parliament and Gerrard.

Q. Where was this savings account for the son?

A. I transferred it from place to place we moved. I transferred it from one bank to the other. It is still there.

Q. Your distrust of the bank did not prevent you from moving it from one

bank to theother?

A. No, sir, it is only a small amount, I think possibly $300.

Q. A trust account for your son --

MR. MacKINNON: I didn't hear how much he said.

THE WITNESS: I didn't say, Mr. MacKinnon about $300.

THE COMMISSIONER: Is it still in the bank?

A. I think possibly Dixie Plaza.

Q. You think, you don't know?

A. My wife would look after that. I think it would be the Canadian Bank of Commerce in Dixie Plaza.

MR. WILSON: Q. Now, of the thirty-five thousand you said you saved after you joined the Force, and before you resigned, did that all come from you?

A. Come from me?

Q. Yes, out of your earnings?

A. I don't get what you mean.

Q. You told us you lived on your wife's money after '43?

A. Yes.

Q. I see. Then, this thirty-five thousand you talk about all came from your earnings?

A. Oh, come from my earnings. The savings, you mean my savings?

Q. Yes, this thirty-five thousand?

A. I would certainly think the majority. I wouldn't say.

Q. Where did the other part come from?

A. From my wife. I don't know, maybe I had to add to some of my wife's.

THE COMMISSIONER: What?

A. I might not have saved every dollar I made, it might have cost me some of the money I made. I couldn't say that. But certainly it would be no more than my earnings.

MR. WILSON: Q. You didn't fall heir to any money during that period?

A. No.

Q. You didn't make any money on the stock market?

A. No, sir.

Q. Nobody gave you any money?

A. No.

Q. I want you to look at this statement of your earnings from the C.P.R. from 1944 to 1954. It shows a total of $29,409.60?

A. Yes.

Q. Now, this doesn't cover ---

THE COMMISSIONER: Just a moment. The total earnings?

MR. WILSON: $29 ---

THE COMMISSIONER: What years?

MR. WILSON: 1944 to 1954 inclusive.

THE COMMISSIONER: How much?

MR. WILSON: $29,409.60.

THE COMMISSIONER: That is his total earnings?

MR.WILSON: Yes.

THE WITNESS: That is salary.

THE COMMISSIONER: What?

A. That is salary from the Department. That is not my only earnings, though.

MR. WILSON: This does not include 1942 and 1943?

A. That is right, sir.

Q. And I take it you were making about the same in those years as you did in 1944, or approximately two thousand a year?

A. I mean, I would certainly say there is something wrong with those figures, because in 1954 I was certainly making more than 2683.

Q. If you are looking at 1954, you only worked up until July 17th.

A. I am sorry, sir.

Q. That may be the explanation?

A. Yes.

Q. In that time, 1942 and 1943, you were making about two thousand a year?

A. I would think so, sir.

Q. So we can add another $4,000 to this figure and it gives us roughly $33,409.60, as being your total salary received from the Force during the period you were with the Force?

A. Yes, I would think that would be reasonable, sir.

MR. WILSON: That will be Exhibit Number?

THE SECRETARY: 218.

MR. WILSON: 218.

BB-2 --- EXHIBIT NO. 218: Statement of earnings.

MR. WILSON: Q. And during the period that you were on the Force did you buy a car from time to time?

A. Yes, I did, sir.

Q. Did you always have a car?

A. Not always, sir, no, not always. The first new car, if you are referring to new cars, the first new car I bought was in 1950. I bought it at Hogan Motors.

Q. How much was that?

A. About eighteen hundred, I think.

Q. And during that period you were onthe Force did you buy any real estate?

A. Yes, I did, sir. I did.

Q. What real estate did you buy?

A. The first real estate I bought was at No. 10 Frizzell Avenue. That is in the east end, the east end of Toronto.

Q. How do you spell that?

A. Frizzell.

Q. Oh, Frizzell.

A. No, no, that is not right. Right now I can't think of the name of the street, it is off Woodbine. I can't think of it, No. 10, number 10 was the number but it wasn't Frizzell Avenue. As I recall I paid $3,000 for it, I think, maybe $100.

THE COMMISSIONER: Was it a vacant lot?

A. Pardon?

Q. Was it a vacant lot?

A. No, it was a house, a house.

Q. You didn't get a house for $3,000?

A. Yes, I did, sir. I sold it for 36.

Q. With a mortgage on it in addition?

A. No, that was it. I sold it for $3700.

MR. WILSON: Q. Will you tell us in what year you bought it?

A. I don't think I have anything on that house, sir. I bought on Pape Avenue in 1946, so we can figure it out from this. I bought on Pape Avenue in '46, '46 -- '45, I would think it was '45.

Q. In '45?

A. I would think so, sir.

Q. And you say you sold that for thirty-seven hundred?

A. Yes.

Q. When did you sell it?

A. I only kept it seven months, or eight months, I forget.

Q. Then, you bought on Pape Avenue?

A. First of all, I might say, sir, I had the flat rented at the time. That is the basis under which I took both of those houses over, the flat was rented during the wartime. The flat was rented at $40 a month. And I filed income tax on it, also. And then I sold it, it would be in the Spring, I believe the 7th of May, if I remember right. And that would be 1946. And my wife went to Kenora.

Q. Let's not leave that. Who was your lawyer who acted on that first purchase and sale?

A. I think that would be -- but I wouldn't say -- but I would think it would be, I think it would be the same lawyer who acted on some other transactions. And I may be wrong on this, but I do think it was, I do think it was the lawyer at the corner of Pape and Danforth. I don't think it was a lawyer, I think it was Lutes.

MR. MacKINNON: How do you spell that?

A. L-u-t-e-s.

MR. WILSON: Q. Earl L. Lutes, L-u-t-e-s?

A. Yes. He may be a barrister, sir.

Q. And you had that property for seven months?

A. Seven or eight.

Q. And then you made a purchase -- You can't tell us the street that property was on?

A. Hn-Hn. If you mentioned it, sir, I would recognize it.

Q. I think I would rather have you recollect where you lived.

A. I am not trying to be evasive about it, it was off of Woodbine.

Q. Maybe the next time you are here you will have that information for us?

A. I will think of it today, too, sir.

Q. Tell us where the next purchase was?

A. 533 Pape Avenue.

Q. Five ---

A. 533 Pape Avenue.

Q. How much did you pay for that?

A. Sixty-five hundred.

Q. And when did you buy that?

A. I bought it in '56.

Q. In what?

A. In '46, pardon me.

Q. '46. Yes. Now, do you ---

THE COMMISSIONER: How much did you pay for it?

MR. WILSON: Sixty-five hundred.

THE WITNESS: Sixty-five hundred.

THE COMMISSIONER: Cash?

A. No, I made a payment on it, sir.

Q. How much did you pay down?

A. I will have it here. I think it was either 12 or 1500. I think it was fifteen hundred. It was either twelve or fifteen hundred.

Q. And then, did you have that paid off by 1954 when you left the Force?

A. I think I had. Or if I didn't have it paid off I certainly paid it off before I -- if I didn't make up the payments, in other words. When it came time to sell the place I paid off the place and sold it without a mortgage. I don't seem to have it.

MR.WILSON: Q. When did you sell the Pape Avenue property?

A. At the same time I bought out in Agincourt, I know that. And I think it was -- pardon me, sir. Did I say that I bought in 1954?

Q. In 1946.

A. '46 is right. I think I bought out there -- sold it in 1954, I think.

Q. Well, I suggest to you you sold it on the 31st of August, 1954?

A. That is quite possible.

Q. For 13,700?

A. That is right, sir.

Q. Now, going back a moment. The moneys you put into the two properties you purchased while on the Force, you count them in the thirty-five thousand you say you saved while you were on the Force?

BB 3

A. The money -- it would have to be, sir.

Q. It would have to be?

A. Yes.

Q. In other words, it wasn't more thirty-five thousand you put inthe bottle in the ground?

A. It wouldn't -- my overall savings would be thirty-five thousand more. That would include my profit on this.

Q. While you were on the Force how much of the thirty-five thousand went into the ground?

A. I couldn't tell you.

Q. You have no idea?

A. I have some idea, it would be less than thirty-five thousand and it certainly

Seite

would be more than twenty thousand.

Q. When did you dig up for the last time the bottles and use the money that you had stored away in the garage on your father's farm?

A. Dig up for the last time? I would say it would be --- I may have still had some there after I bought themotel. I couldn't say. I couldn't say. It certainly would be during that time.

Q. You say you think you may still have some there?

A. No, I wouldn't say there isn't. I don't think there is.

Q. In other words, if we go out there now ---

A. It is quite possible. It is possible.

Q. --- and go to the corner of that garage we might find some money?

A. No, I don't think so.

THE COMMISSIONER: When did you remove the last of it?

A. That is what I was -- I think it certainly would be during the time I got the motel and after that. I am really not sure.

MR. WILSON: Q. When was the last time that you looked at the money in the jars on the farm?

THE COMMISSIONER: Wait a minute. He makes me nervous. Give him time to put that stuff away.

THE WITNESS: Well, to be honest, Mr. Roach, I am the world's worst bookkeeper. I can't keep track.

THE COMMISSIONER: You are the world's worst banker, I might say.

MR.WILSON: Q. When was the last time you went to your little hiding place and either take out your money or look at your money there?

A. I would say it wouldbe '54, sir.

Q. After you left the Force?

A. That would nearly be the last time.

THE COMMISSIONER: 1954?

A. That is right.

Q. You removed whatever was under the ground?

A. Yes.

MR. WILSON: Q. Did you leave the bottle there?

A. There was more than one.

Q. Did you leave the bottles there?

A. No, I did not.

Q. How much, after you went there in 1954, after you left the Force, how much cash did you get out there?

A. I paid twenty-five thousand

cash as my share on the motel.

THE COMMISSIONER: Don't start figuring that way.

A. I don't know.

Q. When you removed the money from the ground how much was it?

A. I couldn't say.

MR. WILSON: Q. You didn't bother counting?

A. Yes, but I couldn't give you a figure. I know there was enough to buy that motel and pay for my home.

THE COMMISSIONER: Just a moment.

MR. WILSON: Q. You say ---

THE COMMISSIONER: Just a moment, Mr. Wilson. Enough to buy the motel. How much did you pay down?

A. Twenty-five thousand.

Q. Twenty-five thousand. And also to pay for your home?

A. My home was paid for. My home was paid for in Agincourt, $16,300 was paid off.

Q. No. Let us examine this. You got enough out of the ground in 1954 to pay for the home, and you said also to buy the motel?

A. I didn't mean it that way, sir. Actually my home in Agincourt would be a transfer of money in cash from the sale of

533 Pape Avenue. I mean, I had sold the Pape Avenue home.

Q. You sold Pape Avenue for $13,700?

A. That is right, sir. And I certainly didn't get all cash.

Q. Just a moment. All right.

A. I certainly didn't get all cash.

THE COMMISSIONER: You explore that, Mr. Wilson.

MR. WILSON: Q. When you talk about buying the motel, you bought it in partnership with Rudolph John Zacek?

A. Yes.

Q. And the purchase price was $113,000?

A. Yes.

Q. It is known as the Kingston Motel?

A. Yes.

Q. Outside of Kingston?

A. Yes.

THE COMMISSIONER: What is the name?

MR. WILSON: Zacek. Xxxx Z-a-c-e-k.

THE COMMISSIONER: What is the first name?

MR. WILSON: Rudolph.

Q. The deposit was $20,000?

A. I believe that is right, sir.

Q. Did you make the $20,000 deposit, or half the deposit?

A. No, I couldn't say about that, sir.

THE COMMISSIONER: What?

A. Mr. Wilson asked me the deposit on the motel was $20,000.

Q. Yes. Did you put up your half or all of it?

A. That I don't recall. But the deal was closed, and there was $20,000 paid down. I don't recall.

MR.WILSON: Q.You are recalling there was $20,000 deposit. And there was another $30,000 subject to adjustments on closing?

A. That is right.

Q. So, you and Zaroek put up $25,000?

A. That is right.

Q. How much did you put up?

A. Twenty-five.

Q. And the balance was covered by a mortgage?

A. Two mortgages, that is right.

Q. Now, you sold 533 Pape on the 31st of August, 1954. And then you turned around and bought another house, didn't you?

A. That is right, sir.

Q. And where was that?

A. In Peel County, Homestown Drive, 1508 Homestown.

Q. I think you are forgetting about Scarborough, aren't you?

A. Oh, yes, I am sorry.

Q. Just a slight oversight here. From the 1st of September, 1954, you bought 8 Readmont Avenue, Scarborough ?

THE COMMISSIONER: Readmount.

MR. WILSON: Readmount.

THE WITNESS: That would be right, sir.

MR. WILSON: Q. That could be right?

A. I said that would be right.

Q. Is there any doubt?

A. I think that would be correct.

Q. The purchase price was $18,010.50?

A. 16,300.

Q. But you bought an air conditioner as well, so the total purchase price was $18,000 odd?

A. I spent $18,000, if you are talking about the total price to the man from whom I bought the house, was $16,300.

Q. Yes, but the time you got all the ---

A. Yes, that is right.

Q. The other items in it cost you eighteen thousand cash, didn't it?

A. That is right.

Q. So, that is eighteen thousand cash you spent there?

A. That is right, sir.

Q. Now ---

THE COMMISSIONER: What date was that?

A. September.

Q. September 1st, 1954?

A. That is right, sir.

THE COMMISSIONER: What is the date of the purchase of the motel, Mr. Wilson?

MR. WILSON: The 30th of June.

THE WITNESS: The 29th of June, 1954.

MR. WILSON: Q. Now, coming back for a moment to the house at 933 Pape Avenue. On the 31st of August, 1954, the sale price was $13,700, but you took a mortgage back for ninety-five hundred?

A. Right, sir.

Q. So you only got a little over two thousand cash proceeds out of the sale of 933(sic) Pape?

A. A little over two thousand.

Q. Because you had to pay off an existing mortgage?

A. That is possible. I forget.

THE COMMISSIONER: Wait a minute. The sale price was 13 - 7 and you took back a mortgage of thirty-five hundred?

MR. WILSON: A mortgage of ninety-two hundred.

THE COMMISSIONER: I thought you said thirty-five hundred.

MR. WILSON: Ninety-two hundred.

THE COMMISSIONER: I beg your pardon.

MR. WILSON: Q. After paying off the existing mortgage, 2,375, this witness got approximately 2,125.

THE COMMISSIONER: That is, he got 2,125 cash out of the deal?

MR. WILSON: That is right.

Q. So, to deal with those three transactions you laid out 25,000 in June that year, which was on the motel purchase?

A. That is right, sir.

Q. You getback roughly two thousand in cash on the sale in August, 1954, of the Pape property, which would be a net investment of three thousand cash. And then in September of 1954, you laid outmk eighteen thousand cash, so that you had laid out in those transactions --

A. Sixteen.

Q. Sixty, did you say?

A. Sixteen in the two transactions.

Q. Yes.

A. Forty-One.

Q. Roughly 41,000 cash.

A. Approximately that.

Q. Now, coming back, coming back for a moment to your finances. After you were

transferred to the Anti-Gambling Branch in '43, I think you would still have your twenty thousand or more in the ground?

EB 4

A. That is right, sir.

Q. Now, why, why was it at that time that you thought it necessary to borrow money from one of your fellow officers, Provincial Constable Miller?

A. In Port Arthur, you mean? Port Arthur?

THE COMMISSIONER: Where was it?

A. Port Arthur, I assume.

MR. WILSON: Q. Where did you have your transaction with Miller?

A. Port Arthur.

Q. How much did you borrow from him?

A. Actually, it would be $50 as you say.

Q. I didn't say.

A. You mentioned it just now.

Q. I said you borrowed money from a fellow officer?

A. I am quite satisfied that you said already $50.

THE COMMISSIONER: No, he did not.

A. I am sorry, it is possible it was $50.

THE COMMISSIONER: How much was it?

A. I don't know, but I think it

would be $50.

Q. You think?

A. $50. There is $50 in my mind, so I think it would be $50.

MR. WILSON: Q. Where did you say this occurred?

A. In Port Arthur.

Q. In Port Arthur?

A. That is right.

THE COMMISSIONER: When?

A. That would be in '40, '41, I suppose. No, '42, '42.

Q. From whom?

A. Miller. Oh, I have forgotten his first name -- Hec. And I am not sure, Mr. Wilson, it was $50.

Q. Hector?

A. Miller.

Q. What was his last name?

A. Miller. M-i-l-l-e-r.

MR. WILSON: Q. At that time you were not married?

A. That is right, sir.

Q. Did you have any other obligations except looking after yourself?

A. Well, financial obligations?

Q. Yes.

A. No, sir.

Q. What gave rise to your need to borrow money from a fellow officer at that

time?

A. Well, I actually -- I had forgot about borrowing it from him. But I think I did borrow it from him. I did, because I recall I had bought a bond, a $50 bond in Port Arthur, and I was transferred back. And that all came about, my borrowing the money, because I didn't want to get stuck with my fare back. I had a grievance with the Inspector in Port Arthur, I thought if I paid my fare I wouldn't get my money back. I asked to be returned to Toronto. In fact, I put it in writing.

THE COMMISSIONER: Was your superior officer Miller?

A. I guess it would go through him, he was superior to me. Not the correspondence would not go through him. It would have nothing to do with my correspondence.

(Page 3050 follows)

MR. WILSON: Q. Now, will you answer my question and tell me why you borrowed fifty dollars from Miller?

A. Because I didn't have any money.

Q. Because you didn't have any money?

A. That's right.

Q. Did you have a bank account when you were up there?

A. Yes, I did.

Q. Did you spend all your money?

A. No. I got transferred, as I recall, and I certainly have got no correspondence on it. I got transferred. I think I took the train on Friday night or Saturday night and I had to report in Toronto Monday morning. I left my bank account there, I left my laundry there in Port Arthur.

Q. How soon was it after that that you repaid Miller?

A. I don't even recall repaying him, but I am sure that I did repay him.

THE COMMISSIONER: Q. Where were you when you repaid him?

A. That I couldn't tell you. I have no idea. I don't recall ever repaying him, but I know I would repay him.

Q. Let me understand it. In

1942, you were at Port Arthur andyou had a bank account there?

A That is right.

Q. What bank?

A. I wouldn't know that. I really wouldn't know.

Q I don't want to know particularly the branch, but was it the Royal Bank, the Bank of Montreal, the Bank of Commerce?

A. I couldn't say. I bought the bond through the bank and I couldn't say what bank it was.

Q. Did that exhaust all the money you had in the bank when you bought the bond?

A. No. I would say there was still some money in the bank.

Q. How much was the bond?

A. I think it was one thousand dollars.

Q. And after paying for it, you still had some money in the bank?

A. Well, I would have some money, but it certainly wouldn't be very much.

MR. WILSON: Q. Did you borrow from anybody else during the period - - - -

THE COMMISSIONER: Just a moment. I haven't finished this.

MR. WILSON: I am sorry.

THE COMMISSIONER: Q. And when, with

relation to buying of the bond, did you borrow the money from Miller?

A. When I was transferred. My transfer came through and it was very very sudden. I mean to say, I think I came in at noon hour and I had to be on the train that night. I had to be on the train that night at midnight to be in Toronto on the date I was supposed to report to the Commissioner here in Toronto.

Q. As of that date youhad no money in the bank there?

A. I would have.

Q I thought you said you borrowed from Miller because you had no money in the bank?

A. No. I had no access to the bank. It wasn't a bank day. It was Saturday or - - -

Q. I see.

MR. WILSON: Q. Did you borrow when you were on the Force from anybody else?

A. I don't recall.

Q. Whether that person was on the force or otherwise?

A. I don't recall.

Q. You don't recall?

A. No, but I wouldn't say I didn't. I doubt that I did. If you mean buying something on time, borrowing, yes, but to actually receive a loan - - - - -

Q. When you were on the Force, what items did you buy on time?

A. I bought some furniture.

Q. Totally how much approximately?

A. Gee, it wouldn't be very much, maybe altogether, six or seven hundred dollars.

Q. Yes? Anything else you bought on time?

A. No, I don't think so.

Q. Did you buy that new car on time?

A. No, I didn't -- 1950?

Q. Yes.

A. I paid cash for it.

Q. When you got through contributing your share to the purchase of the Kingston Hotel and buying the Redmount property, did you have any cash left?

A. Yes, I did.

Q. Where was it located?

A. Still at the farm.

Q. Still at the farm?

A. Yes,sir.

Q. So we still have cash at the farm in the fall of 1954?

A. That is right.

Q. Do you know how much there was there?

A. I would would say five or six

thousand dollars.

Q. Five or six thousanddollars?

A. Yes.

Q. And did you continue to add to the cash in the bottles after you left the Force?

A. No.

Q. And when did you last take out what remained of the monies in these bottles on the farm?

A. I would think it would be in 1956, sir.

Q. Following - - -

THE COMMISSIONER: Q. Now certainly you have me confused. I thought you said in 1954 you had removed the last money from the bottles?

A. No, I said - - - -

Q. At the time you bought the motel?

A. That is right, for the payment on the motel and I said it would be after that I removed the remainder.

Q. How much did you have left?

A. I would have five or six thousand dollars, sir.

MR.WILSON: Why did you remove the balance in 1956?

A. I required it.

Q. For what purpose?

A. For the house out where I am.

Q. When you bought the motel in June, 1956, you had certain mortgage payments to make each year as a partner in this enterprise. You had to pay off the two mortgages?

A. On the motel?

Q. Yes.

A. That is in 1954.

Q. After you bought that how much a year did you have to pay for the mortgages?

A. Three thousand on the one mortgage and three thousand on the other. I would have to pay approximately three thousand dollars. My obligation would be three thousand dollars plus interest and so was my partner's.

Q. Was that operation profitable?

A. The motel?

Q. The motel operation?

A. Yes, it is, sir.

Q. How much did you make in 1955?

A. 1955? Possibly six thousand dollars.

Q. That is after taxes?

A. Yes.

Q. That is three thousand each?

A. No.

Q. You say your share was six thousand?

A. Roughly.

Q. Did you have an auditor?

A. I have. I was going to say, if I may - - -

Q. Have you got the auditor's statements with you?

A. Yes, I have.

Q. Maybe if you just leave them with us, we will take a look at them and it will save us some time. Who was your auditor, by the way?

A. Clark.

Q. From where?

A. From Kingston, sir.

THE COMMISSIONER: Q. Each year after you bought the motel, you personally had to pay three thousand dollars and interest?

A. We would pay between us.

Q. I thought your share was three thousand?

A. That is right.

Q. So you had to put up three thousand dollars and interest?

A We have a bank account. Everything goes into the bank. I draw out one hundred and twenty-five dollars a week, and so does my partner. We pay one mortgage, $375.33 every month, and the other mortgage is paid at the 29th of June, which is three thousand plus interest. That is paid by cheque.

MR. WILSON: Q. Is this six thousand

figure you mentioned for 1955 your share after payment of the mortgage, your share of the money?

A. That would be my net profit.

Q Six thousand dollars would be your net after paying everything?

A. That would be my net. It would be -- it would make twelve or fourteen thousand. Last year we made twenty-two thousand dollars, so eleven of that net would be mine.

Q. Well, you have the statements for 1955 through to 1961?

A. Yes, I have -- no, not to 1961. I think I have my income tax for 1961.

Q. We will get that later. It will probably save a lot of time and we will figure it out. Now, in July, 1956, you purchased another home, didn't you, at 25 Kenneth Drive in Port Credit?

A. No, 1956, sir.

THE COMMISSIONER: In what year?

MR. WILSON: 1956.

THE WITNESS: That is right.

THE COMMISSIONER: Q. July?

A. August, I think, isn't it?

Q. What month did you suggest, Mr. Wilson?

MR.WILSON: I suggest 25 Kenneth Drive.

THE COMMISSIONER: What month?

MR. WILSON: Oh, July 30th.

THE COMMISSIONER: Q. You bought that place?

MR. WILSON: 25 Kenneth Drive, Port Credit.

THE COMMISSIONER: Q. Is that right?

A No, that isn't the address. It is 1508.

MR. WILSON: Q. You say that is not the right address. It should be 1508 Remantown Drive?

A. No, Kenneth Drive.

THE COMMISSIONER: Where?

MR. WILSON: I have been given some wrong information.

THE COMMISSIONER: In what municipality?

A. In Toronto Township.

MR. WILSON: The purchase price was Twenty-six thousand, five hundred?

A That is right, sir.

Q. And on closing, you paid ten thousand fivehundred. That with the deposit represented twelve thousand dollars cash you put into that house?

A. That is right, sir.

Q. And in November, 1956, you sold 8 Reidmount Avenue, Scarborough, for 20,500 and the cash proceeds you got were approximately seven thousand dollars?

A. Yes, sir.

Q. Is that where the extra five

thousand you dug up out of the ground went, the difference between the cash you laid out on the purchase of the Kenneth Drive and what you received on the Scarborough sale?

A. I wouldn't say I dug up out of the ground to make the specific final payment on Memantown Road. I think I bought a cottage also at that time.

Q. You bought a cottage?

A Yes.

Q. Where did you buy the cottage?

A. In Parry Sound.

Q. What year was that?

A. I think it was the same year.

Q. 1956?

A. I think it was.

Q. How much did you pay for that?

A Sixty-five hundred cash.

Q How much?

A. Sixty-five hundred cash.

Q Cash.

A. No, it was 1957. It was February, 1957, I bought the cottage.

Q. What?

A February, 18th.

Q. Describe the property?

A. The cottage?

Q. Yes. Just look at the description. If you look at it, it will be faster.

A. The diagram is here.

Q. I don't want the diagram.

THE COMMISSIONER: The lot and plan number.

THE WITNESS: This is the lot number, sir, lot 11 A, Concession B.

MR. SYNON: Broken lot 11A in Concession B, Township of Foley, in the District of Parry Sound.

MR. WILSON: Q. Is there any other real property that you have purchased between 1961 and the present date that I haven't mentioned?

A. No, there isn't, sir. I have been left property, but I haven't purchased property.

Q. Well, following your father's death in 1961?

A. That is right.

Q. You were left some property?

A. That is right, sir.

Q. And what is the total amount of the bonds you have today?

A. I don't have any, sir.

Q. You have none. Have you any stocks?

A. No, I don't, sir.

Q. Any insurance?

A. No, I don't, sir.

Q. Any other assets other than the mortgages and your interest in the motel?

A. Furniture and cars.

Q. And real property and the car?

A. No, I haven't, sir.

Q. And where do youbank now?

A. The business bank is the Royal Bank in Kingston, sir.

Q. The Royal Bank, Kingston Branch?

A. That is right, sir. There are two branches, sir, Drayton and Princess Street.

THE COMMISSIONER: Which branch are you?

A. Drayton and Princess.

MR. WILSON: Q. What is the amount to the credit of that account at the present time?

A. It would be practically nil.

Q. Practically nil?

A. Yes. After the winter operation and remodelling, we generally come down fairly low. We used to have - - -

Q. Are you speaking of a personal bank account?

A. No, business.

Q. Where are your personal bank accounts today?

A. I have one in the Bank of Montreal, at Dixie Plaza and in there there would be possibly two hundred and fifty dollars.

Q. Yes?

A And the Canadian Bank of Commerce at Dixie Plaza and from which I make the payments on my house. There would be very little money in it. I don't know how much, but less than two hundred, I would say.

Q. There was a partnership registered on the 10th of October, 1959, between Marguerite Croninand yourself and under the name of Pam Importers and Distributors?

A. Marguerite Cronin?

Q Marguerite?

A That is my wife. I forget about her. That would be right.

Q. How much money have you got invested in that enterprise?

A. I never did invest in it.

THE COMMISSIONER: What is the name?

MR. WILSON: Pam Importers and Distributors

Q. Does that business operate?

A. No, it doesn't —— not to my knowledge.

Q Who did you purchase it from?

A. I didn't purchase it. It was Dewsbury. It is with Feeley.

Q. That is Dewsbury Ointment?

A. Yes.

Q. When did you acquire your interest in Dewsbury Ointment?

A. I think October 9th, 1959 and closed April 27th, 1960.

Q. Did you buy that from Vincent Feeley?

A. No, I didn't buy it.

Q. Did he give it to you?

A No. It was a working agreement. I invested no money.

Q. What was the working agreement?

A. My lord, Dewsbury is an eczema ointment. On one occasion, McDermott picked me up and - - -

Q. This is Joseph McDermott?

A. That is right -- took me over to a piece of property he had on Dixie Road and showdd me a piece of property he had bought, commercial property. There was an old house on it, and in it was this stack of medicine and books and one thing and another. I got inquisitive about it andfound out it was a remedy, an eczema remedy known as Dewsbury. I became quite interested in it,

Q. What year was this?

A. That would be -- it certainly would be two years for this. I knew about this two years before October 9th, 1959.

THE COMMISSIONER: Q. November, 1957?

A. Roughly, sir. I knew about ---

Q. Just a moment. He showed you

showed

an old house in 1957 where?

A. Dixie Road, right by the Dixie shopping plaza and the golf course -- between the Dixie shopping plaza and the golf course.

MR. WILSON: Q. Whose house was it?

A. McDermott's property. I don't know whose house. I don't know who lived there prior to McDermott. He told me he had bought it.

Q. Tell me what arrangement you had made with McDermott and Feeley?

THE COMMISSIONER: Q. Then McDermott showed it to you?

A. Yes, that is right.

Q. In the house you found a whole pile of medicine?

A. That is right, sir.

Q. All right, go ahead.

A. The arrangement - - -

MR. WILSON: Q. What was the arrangement?

A. Well, on two or three times talking to Joe McDermott, I asked him why he didn't put it in operation. He told me to go ahead and put it in. I told him I had no money to invest in it. He said, "Well, go ahead and do what you think you should do and go ahead and start it and I will give you money", and that is exactly what he done.

Q. You had no money in 1957?

A. I wouldn't say that, Mr. Wilson. I didn't say I had no money, but I didn't invest any money.

Q. That is what you told Joe?

A. I wouldn't have invested anyway.

Q. How much money did he give you to carry on?

A. I think about three thousand dollars.

Q. And then did you sell some of the product?

A. Yes, I sold the product.

Q. Who looked after the selling?

A. I did.

Q. You did?

A. Yes.

THE COMMISSIONER: Q. He gave you three thousand dollars in cash, I suppose?

A. That is right, sir.

MR. WILSON: Q. That would be cash?

A. I opened a bank account. Pardon me, I am ahead of my story. I had a friend Harry Leberman who lost his eyesight and that is actually how I came to get involved in this. I asked Joe to let him go -- do me a favour and allow this man, that I thought he could make a living of it.

THE COMMISSIONER: Q. A blind man?

A. He is 80 per cent blind, sir.

MR. WILSON: Q. Harry Leberman was a well-known gambler?

A. No, that isn't right.

Q. Don't you know him as a well-known gambler?

A. No.

Q. You knew Joe McDermott was a well-known gambler?

A. No, but Mr. Leberman, as long as I have known him for twenty years, has made an honest livelihood. I have known Harry Leberman and travelled with him on the road or very close to twenty years.

Q. You knew Mr.Joe McDermott as a gambler?

A. Yes.

Q. But you say Leberman was not?

A. I say he hasn't gambled in the last twenty years. He was convicted as a gambler at the Feeder place and as long as I have known Harry Leberman, he has made a living by buying from the Ontario Hydro, buying stock, travelling the country, even up to the Alcan Highway.

MR. WILSON: Q. Go on with your story?

A. That is what I know of Harry Leberman, a good honest fellow, as far as I know.

what he was twenty years ago, I can't say.

Q. Leberman had this name Pan registered?

A. Right, with Mr. Nash. Nash was the lawyer.

Q. You used some of the three thousand McDermott gave you?

A. No, that isn't right.

Q. You tell it then?

A. McDermott agreed to start Leberman in the business.

Q. All right.

A. He gave him some money and Leberman opened the bank account and I believe it was two thousand dollars. I am not sure. Leberman, I don't think, handled any more than three weeks when he told me he didn't want anything to do with it. He wasn't getting any results.

Q. So then you took it over?

A. That is right.

Q. With - - -

A. Whatever bank account. I had the bank account and the books transferred to myname, and to Marguerite. And by the way, I might say this. Everything I have is jointly in my wife's name. That is the houses, everything, cottage and all.

THE COMMISSIONER: Q. I am all confused

cc/3

in connection with this Pam distributors business. Did that partnership come into existence after McDermott showed you this pile of medicine in this old house?

A. That is right.

Q. After he showed this to you, you wanted him to do a favour for you by letting Leberman handle it?

A. That is right.

Q. And did McDermott give Leberman two thousand dollars?

A. I didn't see him give him the two thousand dollars but he certainly did give him money andLeberman told me that ---

Q. All right, we will assume what he told you was right. McDermott gave him two thousand dollars and how did Leberman spend the two thousand dollars?

A. He didn't spend it all, sir. He got some medicine made up at ---

Q. I thought the medicine was already there?

A. No, just the formula and the signs and the correspondence and recommendations and there was thousands of recommendations from people all over.

Q. I don't care about that.

A. That is what I have seen.

Q. I thought there was a whole stack of medicine?

A. No, none at all.

Q. No medicine there at all?

A. No.

Q. Didn't you say when you looked in the building, there was a whole stack of medicine there?

A. There were jars, but this thing had been long dormant.

Q. Were there jars of medicine?

A. No.

Q. Were they empty jars?

A. Yes, empty jars and signs, big signs for the drug stores, big cardboard signs, those painted signs that light up. There was a lot of those.

Q. But no patentmedicine?

A. No, there wasn't.

Q. What?

A. There was machinery for mixing it and so on.

Q. But no patent medicine?

A. No. There was a formula.

Q. And the recommendations?

A. Right, sir. That is right.

Q. And then McDermott gave Leberman two thousand dollars?

A. I assume --

Q. What was Leberman to do with the two thousand dollars, go in business?

A. Yes.

Q. Manufacturing?

A. Yes. He rented an office on Adelaide Street. As a matter of fact, I went with him when he rented it. He paid $50 a month for it. I went over to the Bell Telephone with him. He had a telephone put in, I believe, under Pam Importers. I am not sure. It might have been Dunsbury.

Q. Two thousand dollars, was it, to enable him to get started?

A. Yes.

Q. You weren't in this at that stage?

A. No.

Q. You were just interested in Leberman?

A. Yes, that is absolutely right, sir.

Q. Leberman carried on for how long?

A. I haven't got the date but it seems to me, it was about three months. I know I took it over October 9th, 1959.

Q. Leberman couldn't make a go, so you took over in October, 1959?

A. Yes.

Q. Was it at that time McDermott gave you three thousand dollars?

A. He transferred the bank account

Leberman had opened up, to me and we did quite a bit of advertising and he -- McDermott never gave me the money. Feeley gave me the money. I think actually Feeley only gave me one thousand dollars with what was transferred from Leberman, ~~xxxxxxxxxx~~ $1,664.62, and then Feeley gave me the one more one thousand.

Q. In November 1959?

A. That is right, sir.

Q. In October, 1959, you took over the remains of the bank account?

A. That is right.

Q. $1,664.62?

A. Yes, right, sir.

Q. And on November 20th, Feeley gave you one thousand dollars?

A. Right, sir.

Q. This is the first time we have heard Feeley's name mentioned in connection with that patent medicine business. It was McDermott up to this minute.

A. I said Dewsbury was registered in Feeley's name. I know it is.

Q. I will take your word for it, but have you kept this three thousand dollars?

A. I took out approximately --

Q. That is two thousand dollars that he gave to Leberman in the first place plus the one thousand dollars that Feeley gave

you in November?

A. That is right.

Q. And that makes the three thousand?

A. That is right, sir.

MR. WILSON: Well, Mr. Commissioner, it might help ---

THE COMMISSIONER: Wait a minute.

Q. When was the Pam Importers and Distributors partnership agreement entered into?

MR. WILSON: I was going to file a document which should fix the date. The first registration wason the 14th ofAugust, 1959, by Harry Leberman.

THE COMMISSIONER: This is a declaration of a partnership?

MR. WILSON: A declaration of partnership, carrying on at 73 Adelaide Street West, Toronto, under the name Pam Importers and Distributors.

THE COMMISSIONER: Harry Leberman?

MR.WILSON: Harry Leberman. Then there is a notice of dissolution filed in the Registry Office on the 9th of November, 1959, by Harry Leberman, of Pam Importers & Distributors, and there was filed in the Registry Office on the 9th of November, 1959, a partnership declaration by John Francis Cronin and Marguerite Cronin carrying on business at 75 Adelaide Street West, Toronto,

under the name of Pam Importers and Distributors. Those will be Exhibits 219A, B and C.

--- EXHIBIT No.219A: Declaration of partnership of Harry Leberman

--- EXHIBIT NO. 219B: Notice of dissolution by Harry Leberman

--- EXHIBIT NO. 219C: Declaration of partnership by John Francis Cronin and Marguerite Cronin

MR. WILSON: Q. Now, I take it you had to have a patent in order to produce and sell Dewsbury's Ointment?

A. That is right, sir.

Q. Who held the patent?

A. Vincent Feeley.

Q. Vincent Feeley?

A. Right.

Q. Did he hold it at all times while you were carrying on the business?

A. I couldn't say that.

Q. Well, you never got it?

A. Yes. The license was certainly at that address on Adelaide Street because it came from Mr. Soucy in Ottawa.

Q. You say Feeley transferred the patent or assigned the patent to you and your wife?

A. No, no, there is no patent of Pam Importers.

Q. I am talking about Dewsbury

Santment?

A. Right, sir.

Q. Did it have a patent?

A. Yes.

Q. Was that patent ever assigned to Pam Importers & Distributors?

A. No, sir.

Q. I was always held then by Vincent Feeley?

A. Right.

Q. Who were the lawyers or lawyer who drew up these partnership documents or declaration of partnership?

A. Mr. Nash.

Q. Who?

A. Mr. Nash.

Q. What is his first name?

A. I don't know, sir. I have forgotten. You are referring ---

Q. You see the documents I have just read and we have filed.

A. I didn't see them. I assume they are Pam Importers.

Q. That is right.

A. He had Mr. Nash.

Q. Whose lawyer was he?

A. Mr. Lebermann's.

Q. It says on the back here MacNish & MacNish. You were talking about Nash.

A. I am sorry. It was MacNeish and MacNiesh;

Q. How long did you manufacture and sell Dewsbury's ointment?

A. From October 9th until April 27th roughly. I mean ---

Q. October 9th, 1957 to April ---

A. April 1959.

Q. I am sorry.

A. Just a few months, approximately five months maybe.

Q. Why did you give up then?

A. Because it wasn't selling. I couldn't get any more. It was very expensive advertising.

Q. Did you sell the product through any drug stores or any other stores in Toronto or Ontario?

A. No, I haven't. I went to Drug Trading and talked to Mr. ---

Q. The simple question is did you manufacture and sell any of it?

A. Yes.

Q. Through whom?

A. Through advertising.

Q. To whom?

A. To whoever wrote in for it. I don't ---

Q. Did you sell it through stores?

A. No, I didn't.

Q. You just advertised and filled orders that came in?

A. Right, sir. I can tell you there were approximately 200 orders, $400.

Q. In the period you operated the business?

A. In the whole period, Leberman and all.

Q. How much during the period you operated it?

A. There were only a few orders came in. Leberman didn't stay long enough for the advertising to really be effective. It never did get very effective.

Q. You say it was difficult to get more money. Wouldn't Feeley give you any more money?

A. No, they wouldn't.

Q. He wouldn't?

A. No. It wasn't a case of three weeks. It seems to me they had other interests and they didn't seem to think it worth bothering with and that is the end of it. I know, in fact, I turned the files over to them and the bank account. There was still a balance of four hundred and some dollars.

Q. You say "they". Are you talking about ---

A. McDermott and Feeley.

Q. You just advertised and filled orders that came in?

A. Right, sir. I can tell you there were approximately 500 orders, $400.

Q. In the period you operated the business?

A. In the whole period, Leberman and all.

Q. How much during the period you operated it?

A. There were only a few orders for the advertising to really be effective. It never did get very effective.

Q. You say it was difficult to get more money. Wouldn't Feeley give you any more money?

A. No, they wouldn't.

Q. He wouldn't?

A. No. It wasn't a case of three weeks. It seems to me they had either intervene and they didn't seem to think it worth bothering with and that is the end of it. I know, in fact, I turned the files over to them and the bank account. There was still a balance of four hundred and some dollars.

Q. You say "they". Are you talking about ——

A. McDermott and Feeley.

Q. You turned the balance back to them?

A. Yes. I think it was Vincent Feeley. Actually all I did was walk out of the office, gave them the key and let them take over.

Q. If you had been successful in making any money, Feeley and McDermott -- they had a share in it?

A. Fifty per cent.

Q. Fifty per cent?

A. Yes.

Q. So they were really partners in the whole enterprise?

A. Well, I think it would be fair to say they certainly would have been partners. Would you call a person who put up the money a partner? I put up no money. That is why I had it registered in my name. I would have had 50 per cent.

Q. Before we leave the assets, have you any government annuities?

A. Yes, I have.

Q. In what sum?

A. I think it is $100 a month at 55 years of age, and I think -- you mean how much have I got paid?

Q. Yes.

A. Four thousand dollars, I think.

Q. You get an annuity of $100 a

month at 55?

A. Right, sir.

Q. How much did you pay in to get it?

A. I say I have paid four thousand. I have to pay a total of nine thousand dollars on it.

Q. You say you have to pay a total -- when did you take that out?

A. I took it out a good many years ago. I would say I took it out possibly in 1945.

Q. When you were on the Force?

A. Yes.

Q. How much a year did you pay on that?

A. There was no such thing as how much a year. I have now paid four thousand dollars.

Q. There must be so much a year?

A. No.

Q. When you were on the Force, how much did you pay on it?

A. Whatever I could pay.

Q. How much was it?

A. I would say when I left in 1954 I had possibly two thousand dollars, possibly three thousand dollars.

Q. Have you any other annuities?

A. No, I haven't.

Q. That is the only annuity you have?

A. Yes, it is. Mr. Wilson, I would

like to say in regard to that Dewsbury, I went into it thoroughly before I went into it. I seen from the press somebody made the remark they couldn't find any trace of Dewsbury ever being on the market. They could find out nothing about it. I corresponded with Ottawa. I found it in drug stores.

Q. I thought a moment ago you said the only sales you made were to people who wrote in?

A. That is right, but ---

Q. Let us do it one by one. You say you sold some to Drug Trading?

A. No, I didn't.

Q. You didn't sell any of them?

A. I can tell you the working agreement. We will say first of all I made a deal with them. It was to be so much a dozen. I think it was $9.75 a dozen. It sells for $1.95. And after making a stiff deal with them and they came up to $9.35 and they had a form for me to sign, they said Drug Trading dozen is 14. It meant I had to give them 14 jars because they said two jars ---

Q. Are you telling me all this and are going to tell me you didn't sell any?

A. That is right.

Q. Now, Eaton's, did you sell any to them?

A. No.

Q. Did you sell to any drug stores who actually purchased any of this product?

A. No.

Q. We go back. I understood your story was the only sales you made were to individuals who wrote in?

A. That is right, sir. That is absolutely right. What I was trying to say, I could have gone through Drug Trading. They agreed to handle it. So did Eaton's agree to handle it.

Q. Are we going to have an adjournment this afternoon?

THE COMMISSIONER: Do you want an adjournment?

MR. WILSON: Well, a few minutes.

THE COMMISSIONER: All right.

--- Short recess at 4.27 P.M.

(Page 8080 follows)

Take DD
B.Coombs

--- On resuming at 4.40 P.M. after short recess

MR. WILSON: Q. Have you thought of the address of that property?

A. No, I have not.

Q. Would it be No. 10 Felstead?

A. Felstead. Absolutely right.

Q. Yes. You will have to go a little slower. I have been having complaints from the reporters about you.

When did you first meet Vincent Feeley?

A. When did I first meet Vincent Feeley?

Q. Yes.

A. I would say, I would say it would be a good number of years, I think, possibly, in '44.

Q. After you joined the Force?

A. Yes.

Q. And after you joined the Anti-Gambling Branch?

A. Yes.

Q. And in what circumstances did you meet him?

A. I certainly met him in connection with police work, sir, certainly.

Q. And when did you become socially acquainted with him?

A. I would say 1956.

Q. Not until 1956?

A. That is right, sir.

Q. And when did your business dealings start with him?

A. There was no business dealings with either one of them until this Pan Importers, which was in 1959.

Q. And during the time you were onthe Force, how many times would you say that you talked to Vincent Feeley up to 1954?

A. Possibly twenty times. That is only a guess.

Q. Yes, and Mr. Cronin, would you say, have you included in that telephone conversations?

A. I never talked to him on the telephone.

Q. You never talked to him on the telephone?

A. No, sir, I don't think so.

THE COMMISSIONER: Q. What?

A. I would say not. I would not say I didn't.

Q. You just said I didn't.

A. I didn't intend to talk with him. I don't know. He may have answered the phone -- he may have called me.

MR. WILSON: Q. He might have called you on occasions you say?

A. That is right, sir.

THE COMMISSIONER: When.

A. When I was on the phone. Force.

Q. Why?

A. Well, I cannot even say that he did, but I have taken complaints on the phone, andpossibly he did phone.

Q. And what would he telephone you about?

A. Well, maybe to check up where I was, or about an establishment -- I don't know. I don't recall.

MR. WILSON: Q. Let us take that in order. First of all you say he mighthave called to see where you were?

A. That is possible.

Q. And what would you mean by that? What do you mean by that?

A. I mean that he may have phoned the Provincial Police Office, and I may have answered the phone. I cannot say. I do not recall even one incident.

Q. Why would he want to know where you were? Why would he want to know that?

A. Mr. Wilson, you ask me why -- I do not know that I have spoken to him even.

Q. I am just quoting your own words, what you have told me, and what did you mean by them?

A. Well, I mean, if I was at the

Force.

office at a certain time at night -- I don't recall if I talked to him on the phone. He might want to know if I was at the office at a certain time at night.

Q. And the other statement you made about calling up was something to do with some establishment?

A. That may be possible.

Q. And what did you mean by that?

A. Well, we have had anonymous calls on the phone, we may have anonymous calls about a bookmaking establishment, about gambling establishments. I would not say that Feeley was not one of those persons. I would not know.

Q. You say that you had anonymous calls, you mean, to the effect that you should raid a competitor?

A. I did not say a competitor. That is reasonable to assume that. I do not know. I do not know that Feeley phoned me.

Q. And you knew that Feeley was operating his business from the time that you joined the Anti-Gambling branch?

A. Shortly afterward, yes.

Q. And did you know of any other bigger operation in gambling that was going on in the province than Feeley and McDermott?

A. Definitely. Definitely at

that time.

Q. And who was that?

A. There were many at that time, there were many. There was Sudbury and Windsor, when I joined the Anti-Gambling Branch.

Q. And in 1954 would you consider there was anyone bigger than Vincent Feeley and Joseph McDermott?

A. No, I don't think so.

Q. They were the biggest operators then in Ontario?

A. Not the biggest, but I don't know of any bigger.

Q. And when did you meet Joseph McDermott?

A. I would say, I would say that would be in 1956.

Q. You had not met him until then?

A. That is right.

Q. When you were on the Anti-Gambling Branch?

A. Oh, I met both of them during the time that I was on the Gambling Branch. I talked to them several times -- in court, just the same as to other people here.

Q. You were on raids on some of their operations over the years, when you had raids on their operations?

A. Yes.

Q. And did McDermott ever call you

when you were onthe Force?

A. Under no different circumstances than I have already referred to when I was referring to Feeley, that is for sure. If you mean personally, definitely not, no.

Q. You characterize any calls to find out where you were, or a tip-off about some establishment?

A. You are asking me to be definite. I would assume he did never call me. I never talked to him on the phone. If it was under these circumstances ---

Q. They were interested in knowing the whereabouts of yourself and others?

A. I would think so, sir, yes.

Q. Well, then, when you knew their reputation and what type of operation they were engaged in, why did you choose to go into business with them when you left the Force?

A. Well, I would not say there was anything sinister, I did not think there was anything sinister about my going into business with them. It was no different -- I was looking after this product, I had investigated this product, and I was satisfied that it was a good product and a reputable product, and I had been in contact with the proper authorities, I had been in contact

with the Department of Health in Ottawa.

I still say there is nothing wrong with my going into business with them. That is my feeling. There were no sinister motives.

DD-2

Q. You thought they were the type of people you would like to associate with?

A. No, that is not necessary, sir.

Q. Where does Vincent Feeley and Joseph McDermott live in relation to where you live -- McDermott?

A. On Rometown Road. I would say that is from here to the building across the street there from my house, approximately one-quarter of a mile. You go one block down and one block over, and part of the next block.

Q. That is McDermott?

A. Yes.

Q. And he was there when you bought that house?

A. Yes. The inference there, that he was there, that is true, Mr. Wilson. That is true. If I was never to get out of this stand again I could not have found McDermott's home when I bought my home. I could not have found McDermott's home when I bought my home. I had never seen him. I had never seen him. And I have a sister on that street who has lived there, she lived there before me, and that is how

I got established there.

MR. WILSON: (To an aide) What is Mr. Armstrong's first name?

THE WITNESS: Well, the first time that I met Mr. Armstrong ---

MR.WILSON: Q. Just a minute until I put a question. You have very good ears. When did you meet Constable Frank Armstrong?

A. I believe it was in 1954 or maybe 1953. 1953, sir, when he came on the Branch -- I have just forgotten.

Q. Do you recall calling Constable Armstrong on Sunday, May the 2nd, 1954 and asking him to come over to your house?

A. Calling him? I think I recall the incident but I do not think I called him. If he says so, well, yes, but I think I met him at my work.

Q. On this particular occasion, on this particular occasion in May of 1954 you were in the Unsatisfied Judgment Fund office?

A. Yes.

Q. And is that the same building?

A. No, sir.

Q. So you did not see him at work?

A. No, I had to take all my work to headquarters. I did not see him -- I might have met him there or on the street. If he said I phoned him, well, then, I agree

to that, because I don't recall.

Q. He says that on Sunday, May the 2nd, 1954, at your request, that he went to your home on that Sunday evening at 8.30 P.M. to return a book that he had borrowed from you two weeks previously. Does all that bring it back to your memory?

A. I recall him having a book, but I do not think that I called -- I certainly didn't call him at that time.

Q. Do you remember him returning a book to your house?

A. Yes, I do.

Q. Now, on that occasion did you have any discussions with him about going into business with him?

A. About going into business with him, no.

Q. You deny that?

A. Yes, I would certainly deny it, because it is right that I did not discuss with him going into business with him.

Q. And, at that time, you, of course, lived at 533 Pape Avenue?

A. Yes.

Q. And do you recall a Mrs. Rita Atkins?

A. Mrs. Rita Atkins?

THE COMMISSIONER: Don't repeat the questions.

MR. WILSON: Who told you to repeat the questions? We have had a lot of witnesses who love to do that.

A. Nobody told me, Mr. Wilson, nobody told me. You say Mrs. Rita Atkins -- I think it is Mrs. Rita Pyfe.

Q. She was a policewoman who was attached to the Anti-Gambling Branch?

A. Yes.

Q. Does that bring it back?

A. I know Rita, yes.

Q. And was she present that evening, too?

A. At our home?

Q. Yes.

A. No, I do not recall.

Q. Do you recall her visiting at your home?

A. On many times, and she still does.

Q. And on this particular occasion, when Armstrong left, you accompanied him for a couple of blocks, do you recall that?

A. That is not right.

Q. Do you deny it?

A. Absolutely. That is absolutely not.

Q. And Mrs. Atkins was still at your house when the two of you left?

A. I do not think so. My wife was

upstairs. I do not think so -- as I recall, my wife was not downstairs, and Nata Fyfe would not remain there, certainly, she would not remain there.

Q. I suggest to you that on that occasion you had been talking to Joseph McDermott and were told to time when Armstrong would be leaving your house?

A. Mr. Wilson, that would be impossible, absolutely impossible. How would I know, how could I say when Armstrong would leave my house. I know this inference, what this inference is. I know the story. I discussed it with the Commissioner.

Q. In other words, you directed Armstrong along a certain route?

A. I did not.

Q. When he left your house?

A. No.

Q. You deny it?

A. I deny it.

Q. You directed him along a certain road, he said.

A. If I can explain what happened.

Q. Yes, you explain what happened.

A. We first came out of the house, and I do not know what the time was, I had no idea of the time -- it was probably eleven o'clock, and he started to walk along the street. I naturally thought that he would

turn south because at that time he lived with Anderson, Sergeant Anderson. He told me that he would go through the dump, that he would go through the dump when going home. It was wet and I said to him why would you walk through the dump, it is just as well to walk on the street. That is the extent ofthat.

THE COMMISSIONER: Q. I thought you said you did not accompany him?

A. I did not go with him. My corner, ffom my door to the corner is not thirty feet, sir. I did not go beyond that.

MR.WILSON: Q. How did you know what route he took?

A. I didn't know.

Q. You didn't know. What are you talking aboutthe route over the dump?

A. Frank Armstrong, as far as -- I knew he had moved in with John Anderson who lived on Frasell Street. Frasell Street goes to the dump. Pape goes to the next block, then anotherblock and then one further block to John Anderson's house. Frank Armstrong then, at that time -- I do not think -- it was after lunch -- maybe eleven o'clock at night, and he started to leave and he started to go in the direction of the dump.

Q. You were having a discussion with him as to what route he should take?

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A. Yes.

Q. He took the one you said he should take, along Riverdale?

A. I assume he did.

THE COMMISSIONER: You suggested he should?

A. Yes, I did, sir.

Q. MR. WILSON: You know something about this, it is coming back to your memory, because you talked with the Commissioner about it?

A. Yes.

Q. And why did you have to talk with the Commissioner about it?

A. Because Joseph McDermott, Joe McDermott was supposed to have picked up Frank Armstrong. I don't know where. It might have been on the corner of Anderson's house, I don't know, and he was supposed to pick him up.

Q. This is Commissioner McNeil?

A. Yes, and I spoke to John Anderson. He spoke to me about it, and I can tell you this much, Mr. Wilson, I believe Joe McDermott -- I never had any reason to doubt that he did pick him up, but I had no part in it. I had no idea he was going to pick him up. It was of no interest to me. It was no interest to me if he picked him up, none whatever.

THE COMMISSIONER: Q. It was just a coincidence that McDermott lived in the west end and happened to be at the same place on the route that you recommended that Armstrong should take?

A. On that particular night, Mr. Roach, ---

Q. It was just a coincidence?

A. Absolutely right.

Q. That McDermott happened, just happened to be there on that route, on that particular evening, on the particular night that you recommended that he take that route?

A. He could have been at John Anderson's house. All I can say is that I had no part, there was no part in that from me.

MR. WILSON: Q. And after you left the Force did you speak to any of the people who were men on the Anti-Gambling Branch. Did you speak to any of them?

A. Did I speak to any of them?

Q. Yes.

A. Have I ever spoken to any of them?

Q. Yes.

A. I would say I have.

Q. Which ones?

A. Well, I don't recall any

particular one.

Q. And you recall telling Staff Inspector -- Chief Inspector ---

A. Graham.

Q. Yes. That you had talked to two of them?

A. Yes.

Q. That brings it back?

A. He came to me.

Q. And he asked you that very question, didn't he?

A. What is that?

Q. What members of the Anti-Gambling Branch you had talked to after you had left the Branch?

A. I don't recall it if he did. I certainly don't recall it if he did.

Q. What are the facts?

A. Did he ask me, do you mean?

Q. What are the facts as to your communication with members of the Branch after you left the Force?

A. After I left the Force?

Q. Yes.

A. I have not, as far as I know, I have not spoken to any of them.

Q. You have not spoken to any of them?

A. I may have, sir. I do not recall speaking to any of them. If that is

John Andereon ---

Q. What about Shrubb?

A. Oh, yes. Mr. Wilson, I forgot about that, absolutely. I knew through the report, but I had forgotten about it.

Q. You knew of a report, you say?

A. Inspector Graham told me.

Q. That is the first time you learned about it? When did you learn about it?

A. The first time?

Q. When? I ask you when did you learn from Graham about the report?

A. I would think about eight months ago. I would say roughly eight months ago.

Q. What about Wood?

A. What about Wood, Larry Wood?

Q. Yes.

A. I have spoken to Larry Wood, but not while on the job.

Q. Since you left the Force?

A. Yes, yes.

Q. And where did syou speak to him?

A. In his restaurant.

Q. And whereabouts?

A. I think Brighton.

Q. While you were inthe Force --

Justlet me understand it -- you spoke to him, you said, in his restaurant in Brighton?

A. Yes.

Q. And he had previously been on the Force?

A. Right, sir.

Q. And why did he resign from the Force?

A. I would have no idea. I would have no idea whatever. I have not a clue.

Q. When you say Brighton, would that not be Port Hope?

A. That is right, sir, Port Hope.

Q. The Parkview Restaurant, Queen Street, Port Hope?

A. That is right.

Q. And you recall talking to him in the restaurant when you went in there for a meal?

A. Yes.

Q. And in the discussion did you talk about men that were still on the Anti-Gambling Branch of the O.P.P.?

A. I may have, but not with any wrong intention. I may have mentioned someone on the Anti-Gambling Branch.

Q. I suggest that you proposed that he should re-enlist in the OpP.P. and specifically with the Anti-Gambling Branch?

A. I would be very, very, very surprised if Larry Wood said that. Why would I want him to enlist.

THE COMMISSIONER: Q. You never made thatsuggestion which has been put to you now?

A. No, I did not, sir.

MR. WILSON: Q. You deny that?

A. Yes, I will, sir.

Q. And do you also deny, on that same occasion, that you said to Wood that if he would rejoin the Anti-Gambling Branch, that he would be in a position to obtain information for the syndicate as to the activities of the Branch?

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A. No, Mr. Wilson.

Q. You deny that?

A. Definitely, absolutely.

Q. I suggest to you, on that same occasion, that you also told him that if he would rejoin something could be done about having him re-appointed, if he was interested?

A. Mr. Wilson, I certainly did not. I had no reason, I cannot think of any reason for saying that. I have told many guys not to leave the Force. I may have said that to Larry Wood, that he should go back. I said to him today that he is far better there than in business. I said the same thing to John Anderson. Thatis

a fact, that is the way I feel about it.

Q. And if Larry Wood said that you made that proposal, you say he is lying?

A. I am at a loss to say ---

Q. First of all, you say if he said that ---

A. Yes.

Q. -- that he is lying?

A. Yes.

Q. And what reason would Larry Wood have for lying about you?

A. I would have no idea, no idea. None at all.

Q. Had there been any trouble between the two of you?

A. Absolutely not. Definitely not.

Q. That is just something that he dreamed up? If he said it?

A. If he said it, it is untrue, without feet or foundation, because I would never say that to anyone. I would have no authority on the Branch, or on the Provincial Police.

Q. Going back, or I should say going forward really -- going back for a moment to April of 1954 when you saw Commissioner MacNeil and were transferred out of the Anti-Gambling Branch-was Mr.Phelps present?

A. Mr. Who?

Q. Mr. Phelps, you know him?

A. Yes.

Q. Executive Assistant to the Commissioner?

A. Yes.

Q. And he was making notes of the conversation between you and the Commissioner and Von Zuben?

A. Von Zuben was not there. I cannot say -- do you refer to the first meeting, if you refer to the first meeting I would say yes, possibly not all the conversation, but in so far as the actual transfer, yes.

Q. And I understood your evidence today is that you went back twice?

A. That is right, I did.

Q. To see the Commissioner?

A. Right, sir.

Q. So the Commissioner, in a document filed, when he says he never spoke to you again after the transfer is inaccurate?

A. Absolutely wrong.

Q. Commissioner McNeil is inaccurate?

A. I cannot think he would make that statement. I can tell you this, John Anderson is in the Court room now, and he knows that I went back, John Anderson knows that. And I asked for that appointment, and I hope that John Anderson is still here. I went back on two occasions.

Q. You were engaged, in the course of your duties, in a raid on John Lafrade at 7th Street, in New Toronto?

A. I do not recall. I do not recall. I know the name John Lafrade. I think I was there more than one time.

Q. Do you recall the occasion that you went there in which Lafrade said that somebody planted a cigarette package containing betting slips on his premises. Do you recall that?

A. Mr. Wilson, I think you are absolutely wrong. It was not Lafrade, it was this fellow Ralph Clark. Lafrade was not there.

Q. You say that is something at Ralph Clark's premises?

A. Yes.

Q. Not Lafrade?

A. Mr. Lafrade might have been in charge, but Lafrade was not there.

Q. This is page 4796. He has sworn here, in his evidence, at page 4796, that you were there on a raid, and you were the man that found a cigarette box with betting slips in it. You are swearing today that that is not so?

A. No, that is not right, sir.

THE COMMISSIONER: Q. Did you make a raid somewhere out there ---

A. Yes.

Q. Just listen. To some place out in New Toronto in which you got betting slips out of a cigarette box?

A. Yes.

Q. And whose place was that?

A. It may have been Lafrades, I don't know, but Ralph Clark was the man who was there. John Anderson was with me, and Lafrade was not on the premises.

MR. WILSON: Q. You say that that type of incident might have happened at Ralph Clark's place, and not Lafrade's?

THE COMMISSIONER: He is talking about John Lafrade's place, but he said that he was not there and that Ralph Clark was. That is what you say?

A. Yes.

MR. WILSON: Q. On that occasion you were the man who found betting slips?

A. I would like some confirmation of that. If John Anderson is here. He was with me. I know what you are referring to. I would like to explain if I may. I think John Anderson found it -- maybe I did.

Maybe it was a coincidence with a telephone complaint that I myself took, saying that it would be a good time, a good time would be when the factory came out, to go there, at a certain time and raid this place.

We found several small betting slips. It appeared to be no legitimate business -- I recall Ralph Clark objecting strenuously. The way he was, well, I thought, I felt that he was sincere, and I called Inspector Tomlinson and I explained to him, and he said, Inspector Tomlinson, to arrest him and charge him. I said that I felt that Clark, when I started to examine him, that he was too clear to be a bookmaker. It

DD5 said Thursday, profit so much, Thursday takings so much, loss or winnings, and it was very clear.

The man objected that it was a plant. I think that John Anderson that he picked it up, that he found it.

Q. Was it prosecuted?

A. Let me say this -- it was dismissed.

Q. It was dismissed?

A. Yes.

Q. And were you convinced it was a plant?

A. Yes, and I said so in court. If you have got the court records it will say so.

Q. Did you find many instances of that where competitors planted evidence?

A. No, no.

Q. Itwas not a member of the Force

who would plant that?

A. No, no, certainly it would not.

Q. But somebody might do it on behalf of some rival bookie?

A. It would seem logical to feel that way.

Q. Mr. Commissioner, the next item will take some little time.

THE COMMISSIONER: Yes, it is after five o'clock.

MR.WILSON: If we adjourn now until Monday morning.

THE COMMISSIONER: We will adjourn until Monday morning at ten o'clock.

--- Whereupon the hearing adjourned at 5.10 P.M. to resume Monday, June 25, 1962, at 10.00 a.m.

Volume No. 9

IN THE SUPREME COURT OF ONTARIO

FORMEA CHEMICALS LIMITED

-V-

POLYMER CORPORATION LIMITED

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